ORDERS AND ORDINANCES,

FOR

The better government of the Hospitall of BARTHOLOMEW the lesse.

AS ALSO

Orders enacted for Orphans and their PORTIONS, MD LXXX.

Together with

A Briefe DIS-COURSE of the laudable Customes of *LONDON*.

LONDON,
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A Preface to the Reader.

THe wickedneſs of report at this day, good Reader, is grown to ſuch ranckneſs, that nothing almoſt is able to defend it ſelfe againſt the venime thereof; but that either with open ſlander, or privy whiſpering, it ſhall be ſo undermined, that it ſhall neither have the good ſucceſs, which otherwiſe it might, nay the thanks which for the worthineſs it ought. It is better known by report unto the number, then weighed in effect almoſt to any, that for the reliefe of the ſore, and ſick of the City of *London*, it pleaſed the Kings Majeſty of famous memory *Henry* the eight (father to this our moſt dread Soveraign Lord now reigning) to erect an Hoſpitall in *Weſt-Smithfield*, for the continuall reliefe and help of an hundred ſore and diſeaſed. And the ſame endowed with the yeerly revenues of five hundred Marks, to give unto the ſaid City and Citizens conditionally, that they alſo for their part, ſhould adde other five hundred Marks by the yeer. Which thing with all due thankfulneſs, they received at his Majeſties hands: And (for that they ſaw it proceed from his Highneſs, as well of moſt charitable zeal toward the afflicted members, and his brethren in Chriſt, as of a ſingular favour toward the City) very gladly embraced the condition. Thinking it for their parts rather too little then enough. But when they had taken ſuch ſurvey thereof, as was convenient for them in this caſe to do: Although the Kings Majeſties endowment was after the rate of his Highneſs moſt gracious gift, yet found they the nature of the ſame, and the ſtate of the whole, farre under that that they at the firſt had hoped. The raiſing of this five hundred Mark-rent, to lye onely in a certain of houſes, ſome in great decay, and ſome rotten ruinous: And ſome other to whom better Tenants had happened,

[illegible] reasonable for [illegible] poor. So that first to make them again worth the wonted revenue, and then to continue them in the same, was no small charge, and the help thereunto, which out of the better repaired might have grown, was by the former leases and rentings prevented. In the Hospitall it selfe (beside the pensions issuing out of the said five hundred Marks, and granted by the Letters Patents of his said Highness to the Hospitaller there and to other the Ministers of the same) was found so much of houshold implements and stuffe, toward the succouring of this hundred poor, as sufficed three or four Harlots, then lying in childe-bed, and no more, yea, barely so much, if but necessary cleanliness were regarded, so farre had the godly meaning of the gracious King been abused at at those dayes; and yet was little then smelled and less talked of. The good Citizens nevertheless not so much discouraged with others evill doings, and the great fall of their hope, as moved with the duty of their enterprise and godly regard, not to their own poor and afflicted onely, but to all other sore and diseased, which daily out of all quarters of the Realm resort to the City (as into a commune receipt and refuge of their misery) proceeded with such speed as they could to the redress of all these decayes, disorders and defaults; and bestowed thereabout above their covenant of five hundred Marks yeerly, for their welcomming and beginning not much less then a thousand pounds, whereby (together with other their good endevours) when they had won it to such point, that it was fit to receive the number, and to succour the same with all necessaries requisite, and in such case needfull, and had indeed received, and daily maintained it at the full; certain busie bodies more ready to espy occasion how to blame other, then skilfull how to redress things blame-worthy indeed, yea, I fear me having all their zeal in their tongue onely, not contented privately one, and another, among their neighbours to hinder the profit of the poor, and to slander the good Citizens occupied thereabout, rounded into the eares of the Preachers also, their tender consideration. Who being less circumspect in crediting their matter ministrers then to men of

such

[illegible]
City had done their duty herein, this [illegible]
made a general sweep of all poor and affected: [illegible]
this privy backbiting, could not so sufficiently and weightily
set forth this enormity of the Citizens, as seemed behovefull
for the quercle of charity, took upon them to give speed and
authority to the thing, each after his manner. So that the good
Citizens, which now for these five yeers space, have shunned
for no loathsomeness, to administer the relief without other
gain then that Jesus Christ God and man, promiseth, and
will undoubtedly pay, have here received nothing else but
for a commune benefit, an open detraction, and the poor (as
shall afterward appear) a larger hinderance. Where, in the
mean season notwithstanding, there have been healed of the
Pocks, Fistulaes, filthy Blains and Sores, to the number of eight
hundred, and thence safe delivered, that other having need
might enter in their room. Beside eight score and twelve,
that have there forsaken this life, in their intolerable miseries
and griefes, which else might have dyed, and stunck in the
eyes and noses of the City, for all these charity tenderers, if
this place had not vouched safe to become a pump alone, to
ease a commune abhorring. Wherein although they have at
all hands so well deserved, that hard it were with the most
favourable report to requite it, yet for that they look for
their reward another where, contented to pass that in silence:
It may justly be answered to all such charity proctours, that
if they well weighed these things already alledged, and the
wages of the Chirurgions, and such officers and servants, as
needfully are attendant about the poor, the charges of bed-
ding and shift for so many sore, and diseased; and the exces-
sive prices of all things at this day, they might both marvell
how so many are there relieved, and daily maintained: And
with repentance, of that they have missaid, endevour them-
selves with as much good report and praise, to advance both
the deed and the dooers, to wipe away the slander, as they
have to hinder them both by the contrary. But for as much
as it is doubtfull, whether they will do as they may, and of
conscience are bounden, and the slander is so wide spred, that

a narrow remedy cannot amend it: It is thought good to the Lord Mayor of this City of *London*, as chief Patron and Governour of this Hoſpitall, in the name of the City, to publiſh at this preſent the overſeers and orders by him appointed; and from time to time practiſed, and uſed by twelve of the Citizens moſt ancient in their courſes, as at large in the proceſs ſhall appear, partly for the ſtay and redreſs of ſuch ſlander, and partly for that it might be an open witneſs, and knowledge unto all men, how things are adminiſtred there, and by whom. Wherein if any man judge more to be ſet forth in word, then in deed is followed, there be means to reſolve him. But if there be not ſo much ſet forth as is expedient, (as what thing at the firſt can attain to the top of perfectneſs?) or that any man ſpieth, ought in this order worthy to bee reformed, he ſhall not need to cry it at the Croſs, but ſhall finde thoſe at the Hoſpitall, that both gladly will and may reform it. And where yet by ſuch means occaſion is found, as tofore was ſignified, to withdraw mens charities, by reaſon that it is thought but folly to beſtow more reliefe where there is enough, for the number already: The City of their endleſs good will toward this moſt neceſſary ſuccour of their poor brethren in Chriſt, although at the firſt they ſeemed bound to the preciſe number of an hundred, and no more, wiſh all men to be moſt aſſuredly perſwaded, that if by any means poſſible they might, they deſire to enlarge the benefit to a thouſand, as ordinary as at this day the hundred are. Finally, they wiſh that all Almoiſners and Houſes of Almoiſe, known either by the name of Hoſpitall, or Savoy, might by theſe their doings, bee provoked to like endevour and benefit to the poor, that what one is not able alone to ſuccour, the other might in fellowſhip ſupply, at this time namely when the miſery of the poor moſt buſily ſeemeth to awake. The Lord Jeſus, kindle in us all, that faith that worketh by love, that we may indeed put on Chriſt our righteouſneſs before God, and not ſuffer him to lye up in Preſſe, that ſeeketh to be worn, to the glory of his Father, and ours, and to the Teſtimony of our hope laid up in him. *Amen.*

THE

THE Diviſion of the Governours, and Officers : the Names, and Nature of them both.

IT behoveth firſt to underſtand for the more evidentneſs of that that followeth, that there are in this adminiſtration, two ſorts, or kindes of men. The one called Governours (by a name proper to their Authority) placed there by the Lord Mayor, as Patron of this Hoſpitall : And the other called Officers, that for wages are hired, for to have the neceſſary doings in the ſervice of the houſe and the poor.

The Governours ſo change, that the one halfe remaineth two yeers in their governance, to help and inſtruct the later elected, which alſo become Inſtructers to their followers. And theſe are in number twelve, whereof four are Aldermen; and the reſidue Communers, and according to their governance, thus are they named.

The Preſident, alway the Seniour Alderman.

Surveyors four, two Aldermen, and two Communers.

Almoiſners four, one Alderman, and three Communers.

The

The Treaſurer a Communer.
Scrutiners, two, both Communers.

The Officers are ſeven in number, continuable or removable, as the governours ſhall finde cauſe, and bee thus called.

The Hoſpiteler.
The Renter Clerk.
The Butler.
The Porter.
The Matron.
The Siſters, twelve.
The Byddles, eight.

Theſe are alſo as in a kinde by themſelves, three Chirurgians in the wages of the Hoſpitall, giving daily attendance upon the cures of the poor.

And a Miniſter named the viſitour of *Newgate*, according to his office and charge.

The Governours are alwayes elected by the Lord Maior and his brethren, who yeerly electeth ſix, that is to ſay, two Aldermen, and four Commoners, which are admitted into the Hoſpitall, after this manner.

The whole Company of the twelve old Governours, ſitting in Aſſembly together, cauſe their Clerk to read unto the ſix newly elected, the charge hereafter following.

The Charge.

IT may pleaſe you to underſtand, that yee are here elected and choſen, as fellow governours of this Hoſpitall, to continue by the ſpace of two yeers: By all which time according to ſuch laudable degrees and ordinances

dinances as have been, and ſhall be made by the authority of the Lord Maior chiefe Patron hereof, in the name of the City, and the conſent of the governours for the time being, all your other buſineſs ſet apart as much as you poſſibly may, ye ſhall endevour your ſelves to attend onely upon the needfull doings of this houſe, with ſuch a loving and carefull diligence, as ſhall become the faithfull Miniſters of God, whom ye chiefly in this vocation are appointed to ſerve; and to whom for your negligences or defaults herein ye ſhall render an accompt. For truly ye cannot be blameleſs before God, if after you have ſet hand to this good plough, and promiſed your diligence to the poor, ye ſhall contrarywiſe turn your head backward, and not perform the ſuccour that Chriſt looketh for at your hands, and hath witneſſed to be done to himſelfe, with theſe words: Whatſoever ye do to one of theſe needy perſons for my names ſake, the ſame ye do unto me. And contrarywiſe, if ye neglect and deſpiſe them, ye deſpiſe me. We therefore require and deſire every of you, on Gods behalfe, and in his moſt holy name, that ye endevour your ſelves to the beſt of your wits and powers, ſo to comfort, order, and govern this houſe, and the poor thereof, that at the laſt day, ye may appear before the face of God, as true and faithfull Stewards, and diſpoſers of all ſuch things, as ſhall for the comfort and ſuccour of them, (during the time of your office) be committed to your credite and charge. And this to do wee require you, faithfully to promiſe in the ſight of God, and hearing of your brethren. And ſo doing we here admit you into our fellowſhip.

That done and the new elected conſenting, and yeeld-

ing themselves to the charge, the half of the governours that have already fulfilled their two yeers governance, to stand apart: and the other half that shall remain with the new elected, to take them by the hands after their degrees, and so admit them, and not to depart fellowship, before they have dined together all wholly, as well those that come new, as those that have governed their time, and those that remain, every man at his own cost and charge.

The Presidents.

THe President of this Hospitall, is chiefe Ruler and Governour of the same, under the Lord Maior, who hath authority from time to time, to convocate and call together all the Governours for matters concerning the maintenance, and good ordering of the poor, and to demand of every of them, the account of their doings in their severall offices; and with the assent and consent of the said Governours, to grant Leases, and Fees, and make necessary decrees, and ordinances.

The Treasurer and his Charge.

AT the Treasure of this house, is committed to your charge, that is to say, all such money as shall rise and grow, either by rents, or by gifts to the use of this house, of the which ye shall keepe a true and a just account. And it shall not be lawfull for you to pay any manner of person, any sum or sums of money, (except it be to the Steward of this house, for the victualling of the same,

and

and the ordinary fees and wages that goeth out thereof) but ye ſhall firſt have the names of thoſe perſons ſubſcribed to the ſaid ſum of money, under whoſe office and charge ſuch payment ſhall happen to riſe and grow, or the names of the moſt part of them.

Ye ſhall alſo keep one ſeverall account between the Renter and you, by which may appear, not onely the charge of the ſaid Renter and his arrerages, but alſo whether the rents of the lands pertaining to the ſaid houſe, encreaſe or decay.

Ye ſhall alſo yeerly the 20. day of *October* (within this Hoſpitall) yeeld and give up in writing unto the Preſidents, & Governours of the ſame, a true and a perfect account of your whole charge, during the yeer of your treaſurerſhip; and then the ſaid Preſident and Governours, ſhall name and appoint among themſelves four to be auditours for ſame. And the ſecond day of *November* next following, ye ſhall likewiſe reſort to the ſaid Hoſpitall, at the houre of eight of the clock in the forenoon, that ye may then anſwer and clear your account, if any doubts or faults ſhall happen to ariſe or be found by the auditors of the ſame. And the ſame day, then and there ye ſhall declare unto the new Treaſurer that ſhall be appointed, the whole courſe and ſtate of the affaires, profits, and commodities of this houſe, in as large ſort as ye poſſibly can, and deliver unto him all ſuch ſums of money due to the houſe, as ſhall then reſt in your hands, and all ſuch acquitances, rentalls, and other writings, as neceſſarily ſhall appertain to the affaires of the ſaid houſe. And the ſame day to dine within the ſaid Hoſpitall, with the Governours thereof. And in recompence of your pains, ye ſhall be aſſured of the mer-

cies layed up for you in the promises, and bloud of Jesu Christ our Saviour.

Surveiours.

UNto you is committed the view of all the Lands, and Leases pertaining unto this house, as well such as heretofore have been granted, as also hereafter shall be granted, and ye shall cause the same to be registred in the repertory Book by the Clerk, from time to time, when, and as often as you shall assign him, to the intent that the governours of this house may alwayes be assured, what grants have passed them, and both whereunto they have bound themselves, and also whereunto their Tenants are bound, that the Lands and Tenants may be looked unto accordingly. And ye shall adjoyn unto you the Treasurer of this house for the time being, as a necessary aide in all your doings, for that he most chiefely hath experience of all the affaires and doings of this house. And for the better accomplishing hereof, you or the greatest part of you, shall meet every fourteen dayes in this house on the *Wednesday*, at which time ye may warn the Tenants that have made default in none doing of reparations, or none payment of their rents or other to be before you, to take order with them, according to the Covenants expressed in their Leases. And your grant with the particulars of such reparations as by you shall be allowed, to bee entered into a book with the name of the Tenant and Tenement, whereunto you or the most part of you shall subscribe your names, and then commit the oversight thereof to the Renter, so that it be agreed, that one or more of you

may

may visite and peruse the same in such wise as the greatness or quantity of the thing will require.

Also every yeer at the Feast of Saint *Michael* the Archangell, two new Surveyors to be chosen, and the old with the new to make the 12. day of *October* following, or within two dayes before or after, a generall view and survey of all the Lands appertaining to this house, and truly to keep a Book of the defaults thereof, and for your pains taking here, God hath promised to give you rest and pleasure in heaven perpetually.

Almoners.

YOu shall every *Monday* come unto this house or oftner if you shall think good, but at the least once in the week: Alwayes provided not on the *Saturday*, for that day specially shall be reserved, and kept for the session of the President, and Governours of this house, for the generall affaires of the same.

And at every time of your being here, if there bee cause why, ye shall call before you every particular officer of this house, and enquire if every man do his duty therein according to his charge, and whether there bee peace and quietness maintained in the same. And if ye shall at any time finde any disordered person or persons, then to take such order with him or them for their better reformation, as to you shall seem most meet. And if any refuse to be ordered by you, then to make such person known to the President, and the rest of the Governours, that further order may be taken by the whole house.

Ye shall also diligently enquire, if the Chirurgians of

this house do their duty toward the poor without corruption or partiality, and calling them before you, yee shall enquire what number there were healed that week, and the same deliver, and reward, according to your discretions, and of the same rewards to have your allowance of the Treasurer, so that ye deliver unto him the particulars thereof, signed with the hands of two of you at the least. And in the places of the poor so departed, to admit other, in such sort and manner, as in the charge of the Hospitaler is mentioned and declared.

Ye shall view from time to time this house, keeping one entire and perfect Inventary of the utensils and necessary implements thereof, in a Book, as well that provision may be made in due time, for supplying that which shall be found to lack, as also in due time to provide for Wood, Coale, and other necessary furniture. And whatsoever else shall seem needfull unto you for the benefit of the poor, as the enlarging of rooms, or encreasing the number of beds, the same ye shall signifie to the President and Governours, that by one assent it may be decreed, and by you finished and performed.

Ye shall also see unto the keeping sweet of the poor, and in your proper persons visit them once every week at the least, and to see that their service of bread, meat, and drink, be truly and faithfully delivered unto them. And for your labours and pains, ye shall be sure of the reward that God hath promised to all them that succour his members.

Scrutiners.

Scrutiners.

YE ſhall bee ready and diligent to make ſearch and enquiry from time to time for all ſuch Gifts, Legacies, and bequeſts, as have been, or ſhall be given, or bequeathed to the ſuccour and comfort of the poor of this houſe. And the ſame receive at the hands of the givers or executors, together with a bill of the ſum, ſubſcribed with their names that make payment, or deliverance thereof: the which Bill, and money, ye ſhall forthwith deliver unto the Treaſurer of this houſe, receiving his acquitance for the ſame, keeping nevertheleſs a Book your ſelves, wherein ye ſhall enter and regiſter all ſuch charity, the givers, the time and the ſum, and for all ſuch ſum or ſums of money, as by you, or any of you, ſhall be procured, had, or received, ye ſhall (if it be required) make unto the givers, or deliverers thereof, an acquitance in your own names, as the Governours and Scrutiners of this houſe.

And yeerly at the Election of the new Governours into this houſe, ſhall be elected one new Scrutiner, and the old Scrutiner that ſhall be removed, ſhall make delivery unto the new Scrutiners, of all ſuch Records, Bills, and Writings as concern the affaires of this houſe. And alſo at the audite of the Treaſurers account, the Scrutiners Book of gifts and bequeſts, ſhall in like manner be examined and allowed.

Finally ye ſhall in every place where you ſhall have occaſion to come in the company of good, vertuous, and wealthy men, to the uttermoſt of your power, commend and ſet forth the good order of this houſe, and how

how rightly the goods given to the poor, are here beſtowed, to the encouragement of other to extend their charity thereunto. Ye ſhall alſo as occaſion and opportunity ſerveth, move thoſe that have the Office of Preaching committed to them, that they may the rather provoke the devotions of the people, to the help and comfort of this houſe. And thus doing, you ſhall not loſe the reward that God hath promiſed to all them that ſeek to glorifie and reverence his name in his poor members.

An admonition to the Auditours.

INto your audite muſt be brought theſe ſorts of Books, firſt the Hoſpitall Book, being in the cuſtody of the Hoſpitaler, to which alſo ye ſhall look, that every page or totall ſum thereof be ſubſcribed with two of the hands of the Almoners: And this Book ſhall ye confer with the Stewards Book, who firſt maketh the proviſions. Ye muſt alſo have the Scrutiners Book, to examine the account of the Treaſurer for money delivered unto him by gifts and bequeſts. Alſo the Book of Survey, to confer the Bills brought in by the Treaſurer with the allowances of reparations, expreſſed in the ſaid Book. Alſo ye ſhall demand of the Renter, his rentall for that yeer, not forgetting always to charge him with the arrerages that remaine the yeer before, (if any be) and to confer the ſums of money, received by the Treaſurer, with the charge and account of the ſaid Renter. And laſtly to have ſpeciall regard, if any ſum of money have been payed by the Treaſurer, by any decree or generall order of this houſe, to look in the Journall for the ſame.

And

And thus in the whole affaires of this houſe, ſhall yee perfectly be inſtructed.

An Order for the ſafe keeping of the evidences and writings appertaining to the Hoſpitall.

THere ſhall one faire and ſubſtantiall cheſt be provided, and the ſame be ſet in the moſt convenient and ſureſt place of the houſe, the which ſhall have three ſeverall locks, and three keyes, whereof the Preſident alwayes to have one, and the Treaſurer one, and a Communer appointed by the whole houſe, to have the third. And it ſhall not be lawfull to any of the Governours to have any ſpecialty, evidence, or writing, out of the ſaid cheſt, neither any other perſon, to carry any of them out of the houſe (no, though it be for the affaires of the ſaid houſe) but onely a Copy thereof, which ſhall be taken in the preſence of the three perſons above named, that have the keyes, and the originall forthwith to be locked up againe.

Officers of Houſhold, with their particular charge.

The Renter Clerk and his charge.

YOur office is, with all care and diligence to collect and gather the Rents due of the Lands and Tenements appertaining to this houſe, and of all ſums of money ſo by you collected and gathered, to make deliverance and payment to the Treaſurer of this houſe, for the time being, receiving his acquitance for your diſcharge.

You ſhall alſo once every week at the leaſt, reſort unto the Preſident of this houſe, or to the Treaſurer thereof, for the knowledge of the affaires of the ſame, and at every of the ordinary ſittings of the Governours in this houſe, for the affaires thereof, as well at the dayes appointed for the aſſembly of the Surveyors and Almoners, as alſo when the Preſident, and all the Maſters ſhall aſſemble, ye ſhall give your attendance, that from time to time, ye may enter, and regiſter all ſuch decrees, orders and determinations, as by them and every of them in their ſeverall charges ſhall be decreed, ordained, and determined.

And for that, the good order and governance of this houſe may the better appear, as well to the governours now being, as to all other worthy perſonages, that hereafter ſhall govern, or ſhall deſire the certainty thereof, it ſhall be requiſite that ye keep diligently four ſeverall Books, the names whereof, and the uſe are here deſcribed.

A Repertory.
A Book of Survey.
A Book of Accounts.
A Journall.

And firſt you ſhall note that before every of theſe Books ye muſt have a Calender, into the which ye may enter by order of Letters of the A. B. C. all proper names and matters, that ſhall be contained in every of them. And for the better accompliſhing hereof, yee ſhall with your pen in the head of the leafe, number the pages of every leafe, in every of theſe Books, and then adding in your Calender the number of the page, where

the name or matter is entred in your Book, the reader without any difficulty may turn to the ſame.

The uſe of the firſt Book called a Repertory.

INto this Book ſhall ye firſt enter the foundation of this Hoſpitall, and alſo all Deeds, Leaſes, Obligations, acquitances, and other ſpecialties: uſing alwayes in the margent of the ſaid Book, to note in a few Engliſh words the ſum, and content, of every article of thoſe writings that ſhal appear note-worthy and the ſame notes particularly to enter into their ſeverall and proper places of your Calender, according to the order of the A. B. C.

The uſe of the ſecond Book, called a Book of Survey.

FIrſt in a ſeverall leafe, yeerly before ye enter any other thing into this Book, yee ſhall make an abſtract of the names and ſurnames of every of thoſe Tenants, to whom this houſe is bound to do reparations, and alſo of them that are bound to finde their own reparations, noting in the margent, the leafe of your Repertory, where every of their Leaſes is entred. Alſo every yeer when the Surveiours ſhall ſurvey the Lands of this houſe, yee ſhall be attendant upon them, and aptly and plainly enter into this book all ſuch defaults as by them ſhall bee found, in the time of their view, making a diſtinct difference between Tenants at will, and Tenants by Leaſe, and alſo between thoſe, to whom this houſe is bound to finde reparations, and ſuch as have bound themſelves to reparations.

Alſo ye ſhall diligently enter into this book, all ſuch

orders and grants of reparations or other, as the Surveyours from time to time ſhall make or take with the Tenants.

And every yeer when the Treaſurer ſhall bring in his account, and before the Auditours ſhew ſuch bills of reparations, ſigned with two of the hands of the Surveiours, as he hath payed, ye ſhall after the admiſſion of the ſaid bills by the Auditours, enter every of them into this book particularly under this title.

Reparations done in the yeer that A.B. was Treaſurer of this Hoſpitall (that is to ſay) from the Feaſt of Saint *Michael* in the fifth yeer, &c.

And then ſhall ye write firſt the name and ſurname of the Tenant, the Tenement, and the day of the moneth, and then the reparations. And thus ſhall ye do with all other. And it is to be noted, that in your Calender muſt be entred the name of every Treaſurer, and the leaf where the reparations brought in his account are entred. And next after the reparations, ye ſhall enter yeerly your whole rentall, being firſt examined by the Surveyours, and having two of their names at the leaſt, ſubſcribed thereunto. And in a particular and plain manner ye ſhal expreſs and declare the encreaſe of Rents that yeer, and that ſhall yee enter into your Calender under this title, *Augmentation of Rents*, titling from leaſe to leaſe, where the ſaid encreaſings be noted; and in like manner ſhall ye do with Rents decayed, entring them into your Calender by this word, *Decayed Rents*; likewiſe with Tenements or Rents altered or changed, by this name *Alteration of Rents*.

The uſe of the third Book, called a Book of Accounts.

IN this Book ye ſhall firſt enter all the Accounts (being allowed by the auditours) of all the Treaſurers that have been ſince this Hoſpitall was firſt committed to the City of London. And from henceforth at the foot of every account made by the Treaſurer, ye ſhall expreſly and plainly adde, and enter the arrerages of the Renter for that yeer, which alſo firſt by the auditours ſhall bee examined, and ſubſcribed as aforeſaid.

And foraſmuch as in all accounts, divers and many things at ſundry times, are requiſite to be known, ye ſhall therefore in your Calender firſt note the name of the Treaſurer, with the leafe where his account is entered, and alſo in the margent at the entrance of the ſaid account, ye ſhall note the leafe of your Book of Survey, where the reparations mentioned in the ſame account, are particularly entered.

And for the ready finding of every matter, contained in every account, ye ſhall in the margent of this book uſe as is aforeſaid, to note divers generall words, *Accompts*, *Proviſions*, *Liveries*, *Gifts*, *Legacies*, *Rewards*, *Agreements*, *Surrenders*, *Bargains*, *Suits*, *Recoveries*, *Penſions*, *Fees*, &c. Adding to every one of theſe being placed in your Calender, the leaf where every of them is mentioned in any of the accounts contained in this book, that at a word may be ſeen what hath been done in all theſe things, from the firſt Treaſurer to the laſt.

And for a perfect declaration of the whole affairs of this houſe, ye ſhall alſo out of another book (which ſhall

containe the doings of the Almoners, and ſhall be called the Hoſpitall book) enter into this book of accounts, as well a perfect Inventary of all ſuch Implements, as then ſhall be found within this Hoſpitall: as alſo a full remainder of all the proviſions and victuals firſt ſubſcribed by two of the ſaid Almoners. And in the end ye ſhall manifeſtly declare the names and ſurnames of ſo many diſeaſed perſons, as that yeer have been cured and deliverred out of this houſe, and alſo the names and ſurnames of ſo many as that yeer have dyed in the houſe. The names and ſurnames alſo of as many as then ſhall remain ſick and diſeaſed in this houſe, together with the name of the ſhire wherein each was born, and their faculties, exerciſe, or occupations.

The uſe of the fourth book called a Journall.

THis book muſt alſo have a Calender, and it ſhall alwayes be brought forth at ſuch time as the Preſident and moſt part of the Governours ſhall ſit within this Hoſpitall, for the generall affaires of the ſame. And into this book ſhall ye enter all ſuch orders and decrees, as from time to time, ſhall by the ſaid Governours, or greateſt part of them, be decreed and ordained. And in the margent thereof, ye ſhall do as before is aſſigned in the book of Repertory, in few words ſet forth the ſum of every decree, order, &c. contained therein. And chiefely ye ſhall uſe the generall words before deſcribed in the book of accounts; that by the entrance of them into your Calender, every matter may eaſily and readily be found. And ye ſhall not faile, but in five dayes next after the enterance of any thing into this book, to

enter

enter the ſame by a general word into the Calender, that as well when you are abſent, as preſent, the governours may without difficulty be ſatisfied of that they ſeek for therein.

The officer of the Hoſpitaler.

YOur office is chiefely and moſt principally to viſit the poor in their extremes and ſickneſſes, and to miniſter unto them the moſt wholſome and neceſſary doctrine of Gods comfortable word, as well by reading and preaching as alſo by miniſtring the Sacrament of the holy Communion at times convenient.

To receive alſo into this houſe, of the Steward, to the uſe of the ſame poor, ſuch victuals and other proviſion as by him ſhall be provided, entring the ſame into your book, and ſafely to keep them to their uſe.

Alſo to deliver unto the Cook of this houſe, from time to time, ſo much of the ſame victuals, as ſhall be needfull for the preſent time, to be dreſſed for the poor. And the ſame being dreſſed to ſee ſeaſonably, and truly delivered, and diſtributed unto them.

Alſo whenſoever any poor perſon ſhall be here preſented or ſued for, to be admitted into this houſe, you ſhall receive the ſame preſentation, calling unto you, two of the Chirurgians of this houſe, to view and examin the diſeaſe of the ſaid perſon, whether it be curable or not curable; if they Judge it curable, then you, by a bill of your hand, to certifie the name, and ſurname of the ſaid diſeaſed perſon, unto the Almoners, or two of them at the leaſt, deſiring them to ſubſcribe their names thereunto, and that being done, you to keep upon a file the

ſame.

ſame bill for your warrant. And then ye ſhall commit the ſame poor to the Matron of this houſe, to bee placed accordingly as the caſe ſhall require.

Alſo at the admiſſion of every poor perſon into this Hoſpitall, ye ſhall enquire what money, or other things of value he, or ſhe hath, and the ſame together with his, or her name, to enter into your book, & you to receive and ſafely keep the ſame to the uſe of the ſame poor, to bee delivered again unto him, her, or them, when they ſhall be cured out of this houſe. And monethly to deliver to the ſaid Almoners, a copy of your book of entrances, that they may regiſter the ſame in the book of their ordinary doings. And if any ſuch poor fortune do deceaſe and dye in this houſe, then you to deliver all ſuch money and other things, as ſhall be in your cuſtody, to the Treaſurer of this houſe for the time being, entering the ſame into your book, to be committed, and diſpoſed, to the uſe of the poor.

And as often as any of the poor ſhall bee cured and made whole, you with the Chirurgians to preſent them to the Almoners of this houſe, at their next aſſembly here, and to regiſter in your book their names and ſurnames of them, and every of them, with the day and yeere of their delivery, and departure out of this houſe. And at their departure to give unto them a paſſe-port, to be made according to the Precedent and form that is expreſſed in the end of this book.

This is your charge, and ye have not to do with any other thing in this houſe. Howbeit, if ye ſhall perceive at any time, any thing done by any Officer of this houſe, or other perſon, that ſhall maintain diſorder, or procure ſlander to this houſe, that ye then declare the ſame to

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ſome, one or two of the governours of this houſe, and to none other perſon, and no further to meddle therein.

The office of the Steward and Butler.

YOur charge is faithfully and truly to make proviſion of ſuch needfull victuals, as from time to time yee ſhall be appointed by the Almoners to provide, for the poor of this houſe, remembring alwayes that wherein ſo ever you ſhall hinder, or negligently burden this houſe, either with exceſſive prices, or not making your proviſion in due time, the ſame dammage and hurt you do unto GOD whoſe members the poor are, and therefore yee ought the rather to ſtudy to ſerve in this houſe with fear of God, and conſcience, as one that manifeſtly and plainly walketh before the face of God, who perfectly ſeeth and beholdeth the very thoughts of your heart.

Your charge is alſo to keep a true, and perfect account of all ſuch victualls as by you ſhall be bought, and to make deliverance of the ſaid victualls unto the Hoſpitaler of this houſe, declaring unto him the juſt weight, number, and prices of the ſame, that he may make due and true entrance and account thereof.

Alſo at all ſuch times as ſhall be needfull for the poor, to be ſerved of their ordinary meales or otherwiſe, either of Bread or Drink, yee ſhall not be abſent, but with all diligence and readineſs ye ſhall give your attendance.

Ye ſhall have to do in none other mans office in this houſe, but onely with your own in manner as is above deſcribed. But if yee ſhall perceive at any time, any thing done by any officer or other perſon of this houſe, that ſhall be unprofitable thereunto, or that may be occaſion

caſion of any diſorder, or ſhall engender ſlander to the ſame: That then ye declare the thing to ſome one or two of the Governours of this houſe, and to none other perſon, nor farther to meddle therein.

The Office of the Matron.

YOur office is to receive of the Hoſpitaler of this houſe, all ſuch ſick and diſeaſed perſons, as he by his warrant ſigned from the Almoners of this houſe, ſhall preſent unto you, and the ſame perſons to beſtow in ſuch convenient places within this houſe, as you ſhall think meet.

You have alſo the charge, governance, and order of all the Siſters of this houſe, to ſee from time to time, that every of them in the wards committed to their charge, do their duty unto the poor, as well in making of their beds, and keeping their wards, as alſo in waſhing and purging their unclean clothes, and other things. And that the ſame Siſters every night after the houre of ſeven of the clock in the Winter, and nine of the clock in the Sommer, come not out of the womans ward, except ſome great and ſpeciall cauſe (as the preſent danger of death, or needfull ſuccour of ſome poor perſon.) And yet at ſuch a ſpeciall time it ſhall not be lawfull for every Siſter to go forth to any perſon or perſons (no though it be in her ward,) but onely for ſuch as you ſhall think vertuous, godly and diſcreet. And the ſame Siſter to remaine no longer with the ſame ſick perſon, then needfull cauſe ſhall require.

Alſo at ſuch times as the Siſters ſhall not be occupied about the poor, ye ſhall ſet them to ſpinning, or doing

of

of ſome other manner of work, that may avoid idleneſs, and be profitable to the poor of this houſe.

Alſo ye ſhall receive the flax provided by the Governours of this houſe, and the ſame being ſpun by the Siſters, ye ſhall commit to the ſaid Governours, that they may both put order for the weighing of the ſame to the Weaver, and for the meaſuring of it at the returning thereof.

You ſhall alſo as the chiefe Governereſſe, and worthy Matron of this houſe, have ſpeciall regard to the good ordering and keeping of all the Sheets, Coverlets, Blankets, Beds, and other implements committed to your charge, that now do or hereafter ſhall appertain unto the poor.

Alſo ye ſhall ſuffer no poor perſon of this houſe to ſit and drink within your houſe at no time, neither ſhall yee ſo ſend them drink into their wards, that thereby drunkenneſs might be uſed and continued among them, but as much as in you ſhall lye, ye ſhall exhort them to vertue and temperance, declaring this houſe to be appointed for the harbour and ſuccour of the deer members of Chriſts body, and not of drunkards, and unthankfull perſons.

Herewith yee are charged, and not with any other thing. But if there ſhall bee any thing done by any officer or other perſon of this houſe, that ſhall be unprofitable thereunto, or that may be occaſion of any diſorder, or ſhall engender ſlander to the ſame, that yee then declare it to ſome one or two of the Governours of this houſe, and to none other perſon, nor no further to meddle therein.

The Siſters.

YOur charge is, in all things to declare and ſhew your ſelves gentle, diligent, and obedient to the Matron of this houſe, who is appointed and authorized to bee your chief Governereſſe and Ruler.

Ye ſhall alſo faithfully and charitably ſerve, and help the poor in all their griefes and diſeaſes, as well by keeping them ſweet and clean, as in giving them their meats and drinks, after the moſt honeſt and comfortable manner. Alſo ye ſhall uſe unto them good and honeſt talk, ſuch as may comfort and amend them, and utterly to avoyd all light, wanton, and fooliſh words, geſtures and manners, uſing your ſelves unto them with all ſobriety and diſcretion. And above all things ſee that ye avoyd, abhor and deteſt ſcolding, and drunkenneſſe, as moſt peſtilent and filthy vices.

Ye ſhall not haunt or reſort to any manner of perſon out of this houſe, except ye be licenced by the Matron, neither ſhall yee ſuffer any light perſon to haunt or uſe unto you, neither any diſhoneſt perſon, either man or woman, and ſo much as in you ſhall lye, ye ſhall avoid and ſhun the converſation and company of all men.

Ye ſhall not be out of the womans ward, after the hour of ſeven of the clock in the night, in the winter time, nor after nine of the clock at night, in the Sommer; except yee ſhall be appointed and commanded by the Matron ſo to be for ſome great and ſpeciall cauſe that ſhall concern the poor, (as the preſent danger of death or extream ſickneſs) and yet ſo being commanded, yee ſhall remain no longer with ſuch diſeaſed perſon, then juſt cauſe ſhall require. Alſo

Alſo if any juſt cauſe of grief ſhal fortune unto any of you, or that ye ſhall ſee lewdneſs in any officer, or other perſon of this houſe, which may ſound or grow to the hurt or ſlander thereof, ye ſhall declare the ſame to the Matron, or unto one or two of the Governours of this houſe, that ſpeedy remedy therein may be had, and to none other perſon, neither ſhal you talk or meddle therein any further. This is your charge, and with any other thing you are not charged.

The Chirurgians.

YOur charge is, faithfully and truly to the uttermoſt of your knowledge and cunning, to help to cure the griefes and diſeaſes of the poor of this Hoſpitall, ſetting aſide all favour, affection, gain or lucre, and that as well to the pooreſt deſtitute of all friends and ſuccours, as to ſuch as ſhall peradventure be better friended, yee ſhall with all favour and friendſhip procure the ſpeedy recovery of their health.

Alſo for your ſtipend and fee, given and paid out of this houſe, yee ſhall be ready at the commandement of the Almoners of this houſe, and Hoſpitaler of the ſame, to view and look upon ſuch diſeaſed perſons, as here from time to time ſhall be preſented. And after your view to ſignifie to the ſaid Almoners or Hoſpitaler, your Judgement of the ſaid diſeaſed perſon, without all affection, whether he or ſhe be curable or not, to the intent there may be none admitted into this houſe, that ſhall be incurable, to the great let and hinderance of the curing and helping of many other; nay, none rejected and put back that are curable, to the great ſlander of this houſe, and diſpleaſure of God.

Alſo at all ſuch times as ye ſhall goe to the dreſſing of any diſeaſed perſon in this houſe, as much as in you is, ye ſhall give unto him or her, faithfull and good counſell, willing them to minde to ſin no more, and to bee thankfull unto Almighty GOD, for whoſe ſake they are here comforted of men. And above all things, ye ſhall take nor receive of no perſon, any gift or reward for the curing or helping of them, either of them, or their friends, but yee ſhall firſt make the ſame offer or reward known unto the Almoners of this houſe.

Alſo we utterly forbid and command you, that yee by no colour peſter or burden this houſe with any ſick or diſeaſed perſon, for the curing of which perſon, ye before have received a ſum or ſums of money, upon pain to be diſmiſſed this houſe.

This is your charge and office, with the which ye have to do, and not with any other thing, neither with any other office in this houſe. But if you ſhall perceive at any time, any thing done by any officer or other perſon of this houſe, that ſhall be unprofitable thereunto, or that may be occaſion of any diſorder, or ſhall engender ſlander to the ſame, that ye then declare it to the Almoners, or one of them, and no farther to meddle therein.

The office of the Porter.

YOur charge is, to keep the doors, opening and ſhuting them in due time, and to give good heed to all ſuch perſons as ſhall at any time paſſe to and fro out of this houſe, as well for the conveighing, or embezelling of any thing that appertaineth to the poor of this houſe, as Wood, Coale, Bread, Meat or Drink, as alſo for all ſuſpicious

ſuſpicious perſons, as men to reſort to the womens ward, or women to the mens wards, or ſuch ſuſpicious men to reſort unto the men, or women, to the women, as ſhall be thought to bee pety pickers, or perſons otherwiſe of naughty diſpoſition.

And alſo every night at the hour of ſeven of the clock in the Sommer, yee ſhall go into every ward where the poor men be, and ſee them in good order; and ſuffer no Sifter, nor other woman to remain among them (except juſt cauſe be declared by the Matron) and cauſe them to ſay the appointed Prayers.

And whatſoever poor perſon ſhall be found a ſwearer or an unreverent uſer of his mouth, towards God or his holy name, or a contemner of the Matron, or other officer of this houſe, or that ſhall refuſe to go to bed at the lawfull houres before appointed, him ſhall ye puniſh (after once warning given) in the ſtocks, and further declare his follie unto the Almoners of this houſe, that they may take ſuch order with him or them, as ſhall ſeem meet by their diſcretions.

Ye ſhall alſo be diligent and ready from time to time, to do ſuch other things, as the Governours of this houſe ſhall aſſign and appoint you. This is your charge, and more you have not to do, but if ye perceive at any time, any thing done by any officer of this houſe, or other perſon that ſhall maintain diſorder, or procure ſlander to this houſe, that ye then declare the ſame to ſome one or two of the Governours of this houſe, and to none other perſon, and no further to meddle therein.

The Bedells.

YOur office and charge is to give attendance from time to time, upon the Governours of this houſe, and to do ſuch buſineſſe as they ſhall aſſign you.

And alſo all ſuch dayes as the Governours of this houſe ſhall not ſit in this Hoſpitall for the affaires of the ſame, ye ſhall ſeparate and divide your ſelves into ſundry parts and liberties thereof, every man taking his ſeverall walk. And if in any of your walks yee ſhall happen to eſpy any perſon infected with any lothely griefe or diſeaſe, which ſhall fortune to lye in any notable place of this City, to the noyance and infection of the paſſers by, and ſlander of this houſe, yee ſhall then give knowledge thereof unto the Almoners of this Hoſpitall, that they may take ſuch order therein as to them ſhall be thought meet.

Ye ſhall alſo have a ſpeciall eye and regard unto all ſuch perſons, as have been cured and healed in this houſe, that none of them counterfeit any griefe or diſeaſe, neither begge within the City and liberties thereof. And if ye ſhall fortune to finde any ſo doing, ye ſhall immediately commit him, or them, to ſome Cage, and give knowledge thereof to the Governours of this houſe, that they may take further order, as they ſhall think beſt.

Ye ſhall not haunt nor frequent the company of any poor and beggerly perſons (that is to ſay) to drink or eat with them in any victualling houſe, or other place, neither ſhall yee receive any bribe or reward of any of them, leſt by occaſion thereof ye ſhould winck at them, and ſo lewdly licence them to begge, upon pain to be diſmiſſed this houſe.

Alſo

Alſo ye ſhall not ſuffer any ſturdy or idle begger or vagabound, to begge or ask almes within this City of *London*, or Suburbes of the ſame, but yee ſhall forthwith commit all ſuch to ward, and immediatly ſignifie the name and ſurname of him or them, to the Alderman of that ward, where ye ſhall apprehend any ſuch begger, or elſe to the Lord Mayor, that execution may be done as the Law in that caſe hath provided. This is your charge.

The viſitour of Newgate.

YOur charge is faithfully and diligently to viſit all the poor and miſerable captives within the Priſon of *Newgate*, and miniſter unto them ſuch ordinary ſervice at times convenient, as is appointed by the kings Majeſties book for ordinary Prayer.

Alſo that ye learn without book the moſt wholſome ſentences of holy Scripture, that may comfort a deſperate man, that readily ye may miniſter them to ſuch perſons as yee ſhall perceive them moſt needfull to be miniſtred unto.

Alſo yee ſhall faithfully and truly uſe and bear your ſelf between party and party, excluding bribes and all other corruption, that is to ſay, between the priſoners and the parties to whom they have offended, exhorting them to the uttermoſt of your cunning, to make reſtitution of their things falſely gotten, ſhewing them the burthen of conſcience depending thereupon. And that alſo they diſcloſe all ſuch other perſons as they know living, which by robbery or murther may hurt a common weale. And in all their extremes and ſickneſſes, ye ſhall

be diligent and ready to comfort them with the moſt pithy, and fruitfull ſentences of Gods moſt holy word.

And whatſoever perſon you ſhall perceive to have ſubſtance, and to be minded to beſtow ſomewhat thereof in deeds of charity, ye ſhall exhort him or them, to beſtow ſome part to the reliefe of the needy and diſeaſed perſons of this houſe. And of all ſuch gifts from time to time, to give knowledge to the Almoners or Scrutiners of this houſe.

And for as much as you are numbred among the Miniſters of Chriſts Church, yee ſhall therefore four times in the yeer at the leaſt, (that is to ſay) every quarter once, do ſuch ſervice in the ſaid Church as is requiſite for ſuch a Miniſter to do.

This is your charge, which ſee that ye do, and with any other thing ye are not charged.

The eſtimate of the yeerly charges of this Hoſpitall.

IT is firſt here to bee conſidered, that although the charges were very great to bring the endowment of the Hoſpitall into ſuch point as behoved, and to furniſh the houſe with neceſſary Implements and bedding for ſuch number (as hath been afore touched in the beginning) yet is there of all theſe charges, no parcell here under mentioned, but the yeerly expences onely, ſuſtained for the maintenance and continuance of the ſame. And albeit theſe charges following, be all and every of them ordinary, and of neceſſity, yet for that there is a difference in the certainty of the one and the other, they are divided

divided into two kindes, with theſe titles. Charges certain, and Charges uncertain.

Charges certain.

Are firſt the yeerly Wages and Fees of thoſe Officers and Servants, that neceſſarily ſerve and attend for the poor, as enſueth, and after them the charges of houſhold, Reparations, and ſuch like.

To the Hoſpitaller. x. l.
To the Renter-clerk. x. l.
To the Butler. vi.l.xiii.s.iiii.d.
To the Cook, for his meat, drink, and wages. vi.l.
To the Porter. vi.l.
To three Chirurgians. lx.l.
To eight Bedles. xxvi.l.xiii.s.iiii.d.
To theſe and to the other, for their liveries. x.l.
To the Matron, and twelve Siſters for their wages. xxvii.l.vi.s.viii.d.
To the Matron for her boord wages, at xviii. pence the week. iii.l.xviii.s.
To the xii. Siſters, for their boord wages at xvi. d. the week for every of them. xl.l.xii.s.
To the Matron for her livery. xiii.s.iiii.d.
To the Siſters for their liveries. vi.l.
To the Miniſters of Chriſts Church, by the Kings Majeſties aſſignment, that is to ſay, a Vicar, a Viſitour of *Newgate*, five Prieſts, two Clerks, and a Sexton, yeerly. C. and vi.l.
To the Miniſters of the Church within the Hoſpitall, by the ſame aſſignment, that is to ſay, to a Vicar, a Clerk and a Sexton. xxiii.l.vi.s.viii.d.

To certain men of Law and other perſons, given in Fees by the Kings ſaid Majeſty, yeerly by Patent. xxviii.l.iiii.s.

Charges of Houſhold.

For the Dyets of an C. perſons, at two pence the perſon for every day, iii.C.l.vi.s.viii.d.
For lxviii.load of Coals, at xvi.s. the load.liiii.l.viii.s.
For Wood yeerly. xxiiii.l.
For Candles yeerly. v.l.
For yeerly reparations of the Hoſpitall and Tenements, appertaining to the ſame. xl.l.

Sum of the Charges certain. } vii.C.lxxx. xviii. l.ii. s.

The charges uncertain (for as much as it cannot certainly be known to what they may amount) are here ſet forth without Sums, onely to ſignifie unto you, that there are many charges more to be conſidered, then certain account can be made of.

Charges uncertain.

For Shirts, Smocks, and other apparell for the poor, needfull, either at their comming in or departure. For Sugar and Spices for Cawdles for the ſick, Flax for Sheets, and Weaving of the ſame, Soltwich Cloth for winding Sheets, Bolls, Brooms, Baskets, Incenſe, Juniper, Aſhes to buck their Clothes. And alſo money given to the poor at their departure, which is meaſured ac-

according to their Journey and need. The which uncertain charges amounted one yeer to the ſum of lx.l.

So commeth the certain charges of this houſe yeerly, to the ſum of vii. C.lxxx. xviii.l. ii.s. beſides the uncertain expences, and other extraordinary charges, which cannot be rated, nay, accounted.

Toward the which is yeerly received by the endowment of the Kings Majeſty, iii. C. xxxiii. l. vi. s. viii.d. And by the like endowment of the City of *London*, iii. C. xxxiii. l. vi. s. viii.d. The which in the whole is, vi.C.lxvi.l.xiii.s.iiii.d.

So is the Hoſpitall charged yeerly of certain (beſides the uncertain expences) over and above the ſumme of their revenues, C.xxx.l.viii.s.viii.d.

Which onely riſeth of the charity of certain mercifull Citizens, for whoſe continuance with the encreaſe of moe, we earneſtly pray unto the fountain of mercy, Jeſus Chriſt, the Lord of all, to whom for ever appertain, the Kingdome, the power and the glory, world without end. *Amen.*

Thanksgiving unto Almighty God to be said by the poor that are cured in the Hospitall, at the time of their delivery from thence, upon their knees in the Hall before the Hospitaler, and two Governours of this House at the least.

And this the Hospitaler shall Charge them to learn without the Book, before they bee delivered.

WE magnifie and praise thee O Lord, that so mercifully and favourably hast looked upon us miserable and wretched sinners, which so highly have offended thy divine Majesty, that wee are not worthy to bee numbred among thy elect and chosen people: our sins being great and grievous are daily before our eyes, we lament and be sorry for them, & with sorrowfull heart, and lamentable teares, we call and cry unto thee for mercy, Have mercy upon us O Lord, have mercy upon us, and according to thy great mercy, wipe away the multitude of our sins, and grant us now O Lord, thy most holy and worthy spirit, that setting aside all vice and idleness, we may in thy fear walk, and go forward in all vertue and godliness. And for that thou hast moved O Lord, the hearts of godly men, and the Governours of this house, to shew their exceeding charity towards us, in curing our maladies and diseases, we yeeld most humble and

and hearty thanks to thy Majeſty, and ſhall inceſſantly laude and praiſe thy moſt holy and glorious name: Beſeeching thee, moſt gracious and mercifull Lord, according to thy holy word and promiſe, ſo to bleſs this thine own dwelling houſe, and the faithfull Miniſters thereof, that there be here found no lack, but that their riches and ſubſtance may encreaſe, that thy holy name may thereby bee the more praiſed and glorified, to whom be all laud, honour, and glory, world without end. *Amen.*

A Paſſe-port to be delivered to the POORE.

To all Mayors, Bailiffes, Conſtables, &c.

KNow ye that A. B. Taylour born in the Town of S. T. in the county of *Northampton*, being cured of his diſeaſe in the Hoſpitall of S. *Bartholomews* in Weſt *Smithfield* in *London*, and from thence delivered the 13. day of *Auguſt*, in the ſixt yeer of the Reign, &c. hath charge by us A.B. C. the Governours of the ſame to repair within dayes next enſuing the date hereof, to his ſaid place of nativity, or to *Weſthandfield*, the place of his laſt abode, and there to exhibite this preſent Paſſeport to the head officer or officers, in either of the places appointed, that they may take further order for his demeanour.

ORDERS

ORDERS

TAKEN

AND ENACTED

FOR

ORPHANS

AND THEIR

PORTIONS.

MD LXXX.

LONDON,
Printed by JAMES FLESHER,
Printer to that Honourable City, 1652.

XUM

ORDERS

FOR

AND REGULATIONS

FOR

ORPHANS

AND THEIR

PORTIONS.

Ad Commune concilium, tentum in Guildhaldia civitatis Londini, xiii. die Octob.

Anno regni Edvardi ſexti, Dei gratia Angliæ, Franciæ & Hiberniæ Regis, fidei defenſoris, & in terra Eccleſiæ Anglicanæ, & Hibernicæ ſupremi capitis, quinto: coram Andrea Judde Milite, tunc Majore, & Aldermannis Civitatis illius, ordinata ſunt inter alia, inacta ita, conceſſa & ſtabilita, omnia & ſingula ſubſequentia.

Forasmuch as the City of *London*, is of late yeers ſore decayed, and daily is like to decay, more and more: A great cauſe and occaſion whereof among other, hath been, for that free mens children, (Orphans of the ſaid City) ſometimes in the lives of their Parents, and ſometimes after their deceaſes, being left wealthy and rich, do beſtow themſelves in ungodly Mariages, for the moſt part in their young age, at their own wills and pleaſures, without the conſent and againſt the minds of their friends, ſaying and affirming, that the Law and cuſtome of the ſaid City giveth unto them their portions, whether they mary by the aſſent of their friends or not, and ſo do daily caſt away and undo themſelves, in truſt to have their ſaid portions, whether their Parents or friends will or will not. And thereby do they beſtow themſelves upon ſimple and light perſons, having neither cunning, knowledge, ſubſtance, nay, good or honeſt conditions. By reaſon whereof, ſuch Orphans, inordinately, and inſolently do ſpend and conſume their Patrimony and Portions in ſhort time, not onely to the

undoing of themſelves, and to the great ignominy and ſhame of their friends, but alſo to the great ſlander of the Lord Mayor and Aldermen of this City (who been reputed and taken as Fathers and Protectors of the ſame Orphanes) and to the great loſſe and hinderance of the ſaid City.

And foraſmuch as the ſaid Lord Mayor and Citizens, have by their Laws, and Cuſtomes, Power and Authority to make Lawes and Ordinances, by their common Counſell, for redreſe of the ſame; It is therefore now (to the intent to reduce the ſame to a more godly, more profitable and decent order and conformity) by the ſaid Lord Mayor, and Communalty, and Citizens, in this preſent Common Counſell aſſembled, and by authority of the ſame Common Counſell, Enacted, Ordained, Authorized, and eſtabliſhed for a Law perpetually to be obſerved and kept within the ſaid City, That if any Orphan, or Childe of any free man or free woman of the ſaid City do offend in any the things hereafter expreſſed, and bee thereof lawfully convicted, afore the Lord Mayor and the Aldermen or elſewhere, that then they and every of them, ſhall to all intents, purpoſes, conſtructions and meanings, be unabled and barred to demand and claime their portion or portions, and alſo ſhall loſe and forgoe and be barred for ever, of all and every his, her, or their part or parts, and portions to him or them belonging, by and after the death of his or their ſaid Father or Mother, of the goods and Chattels, of every ſuch Father and Mother, by reaſon of any Law, Cuſtome, Ordinance, Uſage, Franchiſe, Priviledge, Act of Common Counſell, or other thing, heretofore had or uſed, within the ſaid City. The ſame Law, Cuſtome,

Or-

Ordinance, or other thing whatſoever, heretofore had, made, ordained, allowed, and put in ure, to the contrary in any wiſe notwithſtanding. That is to wit. Firſt, if any man-childe, or woman-childe, ſhall malitiouſly go about or attempt to do, or cauſe to be done, any bodily harm, death, or deſtruction to his or their Father or Mother: Or if any man-childe do hereafter mary or contract mariage in the life of his Father or Mother (by whom he will claim any portion) under the age of xxi. yeer, without the conſent of his ſaid Father, or Mother, by whom he will claim any portion: Or if any woman-childe do hereafter mary or contract mariage, in the life of her Father, or other Parent, by whom ſhe ſhall claim any portion, before the age of xviii. yeers, without the conſent of her Father, or ſuch other Parent by whom ſhe ſhall or may claim any portion: Or if any man-childe be a Theefe, or a Fellon, or a common whore-haunter, a common Dicer, or a common Player at unlawfull games notoriouſly known: Or if any woman-childe ſhall hereafter commit any whoredome, or be a common Picker, that then every of the perſons ſo offending, ſhall be barred and excluded to have, or demand any portion.

¶ Provided alwayes, that it ſhall be lawfull, for the Father, or Mother of any ſuch childe, or children, to give and bequeath in Legacy, to ſuch childe or children, as much as the portion of ſuch childe ſo offending ſhall amount unto, by the cuſtome of the ſaid City, and then ſuch childe thereby to be enabled to have, and demand the ſame, as portion, this Act notwithſtanding, ſo that the ſame Legacy be contained in his or their Teſtament in writing, and not otherwiſe. And that then, and from thenceforth, his ſaid childe, or children, to be admitted

and reſtored to claime ſuch Legacy, or Legacies, in ſuch ſort, manner and form, as if there had been never any ſuch offence done, or committed by any ſuch childe.

Item, it is further Ordained, enacted, authorized and eſtabliſhed, by the authority aforeſaid, that if any womanchilde, being an Orphan, and under the age of xxi. yeers, at any time hereafter, after the death of her Father, do enſure and contract her ſelfe in mariage, or elſe according to the Eccleſiaſticall Lawes of this Realm, do perfectly ſolemnize or conſummate Mariage, with any free man of this City, the conſent and agreement of the Lord Mayor and Aldermen of this ſaid City of *London* for the time being, not obtained and had, that then for every ſuch default and offence committed or done, by any Orphan or Orphans, of the ſaid City, the ſame being confeſſed, or ſufficiently proved by two witneſſes, or otherwiſe before the ſaid Lord Mayor and Aldermen of this ſaid City of *London*, for the time being, at and in a Court of Aldermen, ſhe or they that ſo happen to behave her or themſelves, as is aforeſaid, ſhall forfeit, forgo and loſe xii. pence, of and for every pound, ſo due or to be due unto her, or them, by reaſon of any ſuch Orphanage, the ſum of xii. pence of every pound, to go, or to be to the uſe of the chamber of the ſaid City, according to the ancient cuſtome before this time, in ſuch caſe uſed. And if the ſaid contract or mariage of the ſaid Orphan or Orphans, be made with any foreiner, not being free of this City, at the time of any ſuch contract or mariage made, that then the ſaid Orphan or Orphans, and every of them ſhall forfeit and loſe three ſhillings of every pound due, or to be due unto her or them, by vertue of any Orphanage or cuſtome had and uſed within

in

in the ſaid City. The one ſhilling of the ſaid three ſhillings of every pound, to go, or to be, to the uſe of the chamber of the ſaid City, in ſuch manner and form as is aforeſaid. And the other two ſhillings ſo forfeited of every pound, to go to the uſe of ſuch other Orphan, or Orphans, as then ſhall remain unmaried; or elſe for default of ſuch Orphans, or Orphan, to remaine to the next of the kindred of the Orphan ſo offending.

Alſo be it further Ordained, enacted, and eſtabliſhed by authority aforeſaid, for, and in eſchewing of divers variances, contentions, and ſutes, that daily heretofore have, and hereafter may enſue: that if any free-mans childe, man or woman, fortune to be maried hereafter, in the life time of his, or their Father, by his conſent, and not fully advanced of, and to his, or her full part, or portion, of his, or her, ſaid Fathers goods, as he ſhall be worth at the time of his deceaſe, according to the ancient Laws and cuſtomes of this ſaid City: that then every ſuch free mans childe, ſo being maried in the life time of his, or her Father ſhall be to all intents and purpoſes, diſabled to demand any further part or portion, of his or her Fathers goods, after the deceaſe of his, or her Father, but ſhall be adjudged, reputed and taken to bee fully advanced, according as the Law and cuſtome of this City, hath been long time out of minde, except his or her ſaid Father do mention certainly in his laſt Will, or Teſtament, or by other writing ſigned with his own proper name, or mark the certainty of the ſum or ſums of money, goods and Chattels, and the value of them that the Father gave, payed, or departed withall, or otherwiſe aſſured, or hereafter ſhall give, pay, depart withall, or otherwiſe make aſſurance of unto him, or her, before, at or after the ma-

riage

riage of him or her, or otherwiſe in his life time, for and towards their advancements, in the name of his, or her part, or portion.

And then every ſuch Orphan, or Childe, which after the deceaſe of his or her ſaid Father, can bring forth the ſaid Teſtament or other writing ſigned or marked with the Fathers hand or mark, wherein the certainty of ſuch money, goods, or chattells, as they have, or ſhall have received of their ſaid Father, or by the ſame Father, aſſured by eſpecialty, or otherwiſe ſhall have as much of the ready money, goods, chattells, and debts, of the ſaid Father, as (with that which he or they ſhall have received towards their advancements, in the life of their ſaid Father) ſhall make up a full childes part, of his goods, and chattells, as hee ſhall be worth at the time of his deceaſe; The ſame to be demanded, asked, and claimed, or ſued for againſt the Executor, or Executors, Adminiſtrator, or Adminiſtrators, of the goods, and chattells of the ſaid Father, by bill originall, to be commenced to our Soveraign Lord, the Kings Court, holden in the utter chamber of the *Guild-hall*, of the ſaid City, before the ſaid Lord Mayor and Aldermen of the ſame City for the time being, any Law or cuſtome, heretofore made, or uſed to the contrary, notwithſtanding. In which action, no wager of Law, or Eſſoin ſhall be admitted or allowed.

Provided alway, and it is further enacted, that if any free mans Son, being of full age (which ſhall hereafter be maried with the conſent of his Father, or any other perſon, being of full age, which ſhall hereafter mary any free mans daughter) do at the time of the eſpouſalls, or any time after, confeſs themſelves, by writing fully ſatisfied,

tisfied of his, or their portion, or do otherwiſe acquit and diſcharge the Father of ſuch frees mans ſonnes, or daughters, of all their part and portion due, or to be due, by the Law and cuſtome of the City, that then every ſuch perſon, ſo confeſſing, acquiting, or otherwiſe diſcharging, ſhall be reputed and taken, as fully advanced of his or their whole part, or portion, and ſhall not be enabled, to demand any further, or greater part of the ſubſtance, goods, and chattells, of his or her Father: this Law, or any other Law or cuſtome heretofore had, made or uſed to the contrary, notwithſtanding.

And further, for as much as it is thought very prejudiciall and hurtfull to the fatherleſs children and Orphans, when the Mother, or Mother-in-law, being executrix of the laſt Will and Teſtament of her late husband, by whom, and after whoſe death, the Orphans are intituled to an Orphanage, (according to the laudable cuſtomes and this City) do divers times mary or contract matrimony, ſome with foreiners, and perſons unknown, and ſome with free men, or ever a juſt Inventary of the Goods, Chattells, Plate, Jewels, ready money of the Teſtatours, be by them brought in: By reaſon whereof, many times, they (either for fear of affection of their husbands, or for ſome other ſiniſter cauſe) do bring in very ſuſpicious Inventaries, omitting therein either ready mony, plate, Jewels or debts, or ſome other thing, or things, whereby ſome benefit ſhould redound to the fatherleſs children, to the great loſs and hinderance of the Orphans, and ſometime ſlander to the Lord Mayor, and Aldermen of the City, notwithſtanding their great care, and travaile that they take for the good ordering, and true anſwering of the ſaid Orphans.

It is therefore, by like authority, ordained, eſtabliſhed, and enacted, that if after the firſt day of *November* next enſuing, any widow, which is, or ſhall be made executrix of the Teſtament and laſt Will of her late husband, (being a free man) or ſhall take upon her the adminiſtration of the goods, and chattells, of her late husband (being a free man) do not upon her oath bring in, and exhibit, or cauſe to be brought in, and exhibited before the Lord Mayor, and Aldermen of this ſaid City, for the time being, at, and in a Court of Aldermen, a juſt and perfect Inventary (to their knowledge,) of all the goods, chattells, Plate, and Juells, ready Money, and debts, as were her ſaid husbands, at the time of his death, appraiſed according to the Law of the ſaid City, before ſhe do enſure her ſelf in mariage, or contract mariage, or elſe according to the Lawes of the Realm, do perfectly ſolemnize, or conſummate mariage with any perſon, before ſuch time as aforeſaid, that then every perſon ſo offending, ſhall forfeit and loſe viii, s. of every pound, of her portion, of the goods of her late husband, due to her by the laudable cuſtome of this ſaid City, the ſame to go to the uſe of ſuch Orphan, or Orphans, as then ſhall be entituled to have or demand any Orphanage, or portion, after the death of his or her late Father, the ſame to be demanded, asked, claimed, or ſued for, againſt ſuch executrix, or adminiſtratrix, by bill originall of debt, to be commenced, in our Soveraign Lord the Kings Court, holden in the utter chamber of the *Guild-hall*, of the City, before the Lord Mayor, and Aldermen of the ſame City, for the time being, Any Law, &c. In which action, no wager, &c.

A BRIEFE DISCOURSE,

DECLARING

And approving the neceſſary and inviolable maintenance of

THE

LAUDABLE CUSTOMES

OF

LONDON.

Namely, of that one, whereby a reaſonable partition of the goods of husbands among their Wives and Children is provided:

With an anſwer to ſuch objections and pretenced reaſons, as are by perſons unadviſed or evill perſwaded, uſed againſt the ſame.

LONDON,
Printed by JAMES FLESHER,
Printer to that Honourable City, 1652.

Juris civilis de consuetudine Axiomata sive Maximæ.

Consuetudo vim habet rei Judicatæ.

Consuetudo est optima legum interpres.

Conventio & consuetudo vincunt legem.

Consuetudo firmata est ubi simili aliquando contradicto, Iudicio quid est obtentum seu Iudicatum.

Cæpta usucapio vel præscriptio per defunctum, continuatur per hæredem, cum in omne jus defuncti succedat hæres.

Profunda requie humano generi prospexit usucapio. Barto.

Usucapio est quies periculi solicitudinisque litium. Cicero.

A Briefe Diſcourſe, declaring and approving the neceſſary and inviolable maintenance of the laudable Cuſtomes of *London*.

WE finde it neceſſary in all common-wealths, for ſubjects to live under the direction of Lawes, conſtitutions or cuſtomes publickly known and received, and not to depend onely upon the commandement and pleaſure of the governour, bee the ſame never ſo juſt or ſincere in life and converſation. For that the Law once enacted and eſtabliſhed, extendeth his execution towards all men alike without favour or affection: whereas if the word of a Prince were a Law, the ſame being a mortall man, muſt needs be poſſeſſed with thoſe paſſions, and inclinations of favour or disfavour that other men be: and ſometimes decline from the conſtant and unremoveable levell of indifferency, to reſpect the man beſides the matter, if not to regard the perſon more then the cauſe. Wherefore it was well agreed by the wiſeſt Philoſophers and greateſt Politicks, that a dumb Lawes direction is to be preferred before the ſole diſpoſition of any living Prince, both for the cauſe afore touched, and for other reaſons which I will here omit. But to deſcend to the particularities of my intention, and to treat of the validitie and inviolable obſervation of ſome laudable (I might term them ſacred) cuſtomes, being the principall joynts, and very ſinews of all good Corporations and Fellowſhips, and being alſo the maintainers of a ſa-

cred unity and naturall amity between the husband and his wife, the parents and their children, which (as *Aristotle* the wise Philosopher termeth it) is the beginning of a City. For what is a City but a manifold and joynt society consisting of many households, and living under the same Lawes, Freedomes and Franchises? so I must needs confess them to be the procurers and causes of sundry good effects to the generall estate of the City wherein they be observed: as of the other side they may breed sundry inconveniences in such a City where the same are violated and broken with allowance and impunity. I will therefore shortly shew the nature of a custome, and the difference which it holdeth from a publick Law. And next I will declare how necessary the same are to manage the government, and to entertain the prosperity and traffique of this City: and namely that one good custome which I intend to speak of. Lastly, I will endevour to answer those pretensed reasons, and colourable objections made against the precise maintenance and defence thereof.

First then I suppose that a custome which justly deserveth that name, is of no less reverent regard and authority then a written Law, passed and allowed in Parliament: which notwithstanding I do grant that there are certain differences between a Law and a custome: for the custome taketh his force by degrees of time, and consent of a certain people, or the better part thereof, but a Law springeth up in an instant, and receiveth life from him that is of soveraign authority to command. A custome enlargeth it selfe by plausible entertainment, and acceptable circumstances of time and occasion, with generall liking and allowance, whereas a Law is commanded

manded and publiſhed by power and received by dutifull conſtraint, and that often againſt the good will of them that are bound by it, for which cauſe *Chryſoſtome* not improperly compared the Cuſtome to a King, and the Law to a Tyrant. Moreover the cuſtome doth neither promiſe a reward for obſervation, nor inflict a puniſhment for violation thereof: whereas the Law alwayes importeth either a conſideration of gain, or a terrour of puniſhment or damage, if the ſame be not a Law of enlargement or permiſſion that diſanulleth the prohibitions of a former Law. Finally a cuſtome is applyed to the commodity of ſome one province, circuit or City, and grounded upon a ſpeciall reaſon of conveniencie or commodity, for thoſe perſons or place where it is obſerved: whereas the Law hath a generall reaſon, extended to the whole Nation bound by the ſame, without private conſideration of the due importances of any peculiar place or people. Therefore it is well ſaid, and put in ure by the common Lawyer, *Quod conſuetudo ex rationabili cauſa profecta privat communem legem*, That a cuſtome grounded upon reaſonable and honeſt conſideration abridgeth or altereth the judgement of the common Law. So that in cuſtomes the eſtate or condition of the people are to be reſpected, and ſuch cuſtomes as are conſonant to reaſon, and moſt appliable to the eſtate and quality of ſuch people, are to be allowed. For example; the cuſtome of *Boroughenglish*, yet in force in ſundry places of *England*, whereby the younger ſonne is to inherite his fathers land, hath taken ſtrength by this reaſon, that the father may (if he be not careleſs and ſecure to do his children good) train up his elder Sons in ſome good Trade or Occupation by which they

See 34 *H.* 8. B. cuſtome, 59. A man may not preſcribe or plead a cuſtome *per totam Angliam*, for that is common Law and no cuſtom otherwiſe if the cuſtome had been pleaded to be in ſuch a City or County, as *Gavelkind Glo.* Fee and ſuch like. *Borough-engliſh.*

they may be able to get their own living : whereas the youngeſt, by the impotency and tenderneſs of his yeers, may be perchance unapt and unable for ſuch inſtruction. And ſo the Cuſtome commendable that provideth for the reliefe of the young and impotent. Alſo by an old cuſtome of this Land, in ſundry Boroughs and Towns, Lands were deviſable by Will, though the Lawes of *England* pronounced ſuch deviſes to be void ; and the reaſon was, for that inhabitants of Boroughs or Cities, whoſe traffique and Trade reſteth much upon mutuall truſt and credite, are oftentimes indebted at the time of their death. Wherefore it was thought meet, that they might deviſe their land for the due ſatisfaction of their creditours, which to do, they were enabled by the cuſtome. In *Kent* and other places of this land, the cuſtome of *Gavelkinde* is maintained, which importeth an equall diviſion of the inheritance to be made among all the brethren : a cuſtome partly grounded upon a naturall conſideration, for that all the Sonnes hold the like obligation of nature and deſert with their Parents, in the which they have an equall intereſt : and alſo ſuffered to take place in *Kent*, and other places of this Land, in thoſe dayes moſt inclinable to rebellion, to the intent to enfeeble their forces, and to bring their great houſes and families to impuiſſance and decay, thereby to diſable and diſcourage them from ſuch unlawfull and violent attempts.

But ſee now the Statute of 32 *H.*8. c. 2. and 34. *H.*8. c. 5. of Explanation.

And to come neerer to the matter, this famous and renowned City of *London* hath many laudable and ancient cuſtomes : which though they derogate and differ much from the rules of the common Law, yet have they been not onely approved by inviolate experience of ſundry

dry

dry ages, but alſo have been of old ratified and confirmed by ſundry Acts of Parliament, & Charters of Princes, and namely by the Statute of *Magna Charta*, by theſe words following, *Quod civitas* London *habeat omnes libertates ſuas antiquas & conſuetudines quas habere conſuevit*, which is, *That the City of* London *have all their ancient liberties and cuſtomes which they have uſed to have.* The words following for other Cities, &c. be, *Quod habeant omnes libertates & liberas conſuetudines ſuas*, which ſignifieth, *that they ſhall ſtill retaine their liberties and free cuſtomes*, that is to ſay, their freedomes and immunities, as to bee diſcharged of toll, pontage, and ſuch like: Whereas the City of *London* hath proviſion made by that eſtatute, for all uſages and cuſtomes whatſoever. Verily as the City of *London* beareth oddes, and prerogative over other Cities in *Engl.* being the *Metropolis* or mother City thereof, ſo are the inhabitants of it no leſs neceſſary then profitable members of the Commonwealth, in tranſporting our commodities into other lands, and enriching us with the benefits and fruits of other countries. The City of *Rome*, and Citizens of the ſame had that prerogative as in other things, ſo alſo in their executions for cauſes capitall, that they ſhould not be crucified, being a death of great torment and infamy, but onely beheaded. The benefit of which cuſtome Saint *Paul* claimed and obtained in the time of *Nero*: pretending that hee was a Citizen of *Rome*. The ſaid Citizens alſo by the dignity and reputation of their City were not for any tranſgreſſion or offence to be fettered, whipped, or ſcourged, which priviledge likewiſe the ſaid Saint *Paul* took hold of, who being oppreſſed by the calumnious accuſations and outcries of the Jewes, was by commandement of

Magna Charta. ca. 9.

Acts.22. *Claudius Lysias* the Captain to be examined by torture of whips, what was the cause of that generall murmure and exclamation of the people against him: yet Saint *Paul* by alleaging that hee was a free man of *Rome*, not onely delivered himselfe from the injury and rage of the people, but also made the Captain much afraid of question or punishment for the indignity offered unto him, so great was the Majesty of that City, and so reverent the reputation of all such as were accounted members thereof. *Athenæus* termed *Rome* in those dayes very fitly, *Epitome totius orbis*, an abridgement of the whole world, for the continuall concourse and resort of all Nations thither. We may derive thence an argument for our purpose, that *London* being worthy that title, *Epitome totius Angliæ*, in respect of the necessary repair and frequent assembly of all estates therein, whether it be for Justice by the Lawes of this Land, which are here administred, or by trade of marchandise, which is here so great that it may bee termed *totius occidentis emporium*: and chiefly because of the favourable and often sojorn of our most royall and gracious Soveraign, whose Majesties chamber this is as it alwayes hath been of her most noble progenitors: the same is no less worthy of sundry preheminences which by Custome and Charter it enjoyeth above other Cities of this Land.

43 E.3.fo. 17. Vide *Brook*, Prescr. 8. We finde in our Law Books, that the Scholers of *Oxford* claimed a privileege by custome, to have preferment of any house or lodging, that was to be let in the City of *Oxford*, and the same was allowed in the Common place in *Westminster*, where Justice *Finchden* a man of great reckoning at that time said, that it is reason that they which are principall Instruments of great good in the

the Commonwealth, ſhould have beneficiall cuſtomes for the maintenance of their ſocieties: the like reaſon (ſaith he) ſerveth for the Merchants of the ſtaple in *Weſtminſter*, and alſo for the Juſtices of Aſſiſes, or Juſtices in Eyre, to have the like prerogative. Alſo it is not unfit to remember, that the Barons of the Land have divers prerogatives above other ſubjects, that is, they ſhall not be ſworn when they paſs upon their Peers, and if they bring an appeal, the defendant ſhall not wage battaile againſt them, and they are exempted out of all returnes in Juries, and ſhall not be ſworn in Leets, and all in reſpect of their dignity, and for the neceſſary uſe of them in government of the Commonwealth. So that perſons of needfull employment in the eſtate, have alwayes been favoured in all their honeſt cuſtomes or preſcriptions, and eſpecially the Citizens of *London*, and the rather for the great preſumption and opinion conceived of their experience, who being trained by hard education, in great uſe of ſervice and affairs: and alſo by their travaile and traffique beyond the Seas, by continuall negotiation with other Nations muſt needs (by all reaſonable likelihood) procure unto themſelves great judgement and ſufficiency, to manage a politick Regiment in their City, according unto that verſe of the Poet *Homer* in the beginning of his Treatiſe of wiſe *Ulyſſes* his adventures remembring his travaile into fundry Nations and Cities.

Dic mihi Muſa virum capta poſt tempora Troiæ,
Qui mores hominum multorum vidit & urbes.

The ſenſe whereof may be well expreſſed in Engliſh verſe without rime thus:

All travailers do gladly report great praiſe of Ulyſſes:

For that he knew many mens manners, and ſaw many Cities.

Which opinion of their policy and experience conceived and approved by the noble Princes of this Land in all ages doth evidently appear by the manner of their government, whereat ſtrangers do no leſs envy then admire ſeeing ſo populous a City, containing by true eſtimation more then 500 thouſands of all ſorts of Inhabitants, managed not by cruell Viceroyes, as is *Naples* or *Millain*, neither by proud *Podeſtà*, as be moſt Cities in *Italy*, or inſolent Lieutenants or Preſidents, as are ſundry Cities in *France*, (whoſe Preſidents are noble men or Captaines, having their perſons environed with a guard of Souldiers, and holding their Cities poſſeſſed with a Garriſon, as well in the quieteſt calm of peace, as in the hotteſt combuſtion of war:) but by a man of Trade or a meer Merchant, who notwithſtanding, during the time of his Magiſtracy, carrieth himſelfe with that honourable magnificence in his port, and enſignes of eſtate, that the Conſuls, Tribunes or Pretors of *Rome*, (namely, when as the ſame was reduced to a Monarchy) much leſs the *Podeſtà* of any City in *Italy*, never bare the like repreſentation of dignity, and that not onely in peaceable ſeaſons but in time of greateſt warre: for ſuch credit the Princes of this Land have ſtill repoſed in their fidelity and wiſe direction, that we have few examples in any Chronicle of any noble man or other appointed to aſſiſt the Lord Mayor in his government, much leſs to be ſole Ruler or Lieutenant for the time, were the ſtate never ſo troubleſome, and the affaires of never ſo great conſequence and importance.

And to adde a little more in proofe of the ſingular good.

good conceipt had of their ſervice to the Commonwealth, and that the ſame hath in all ages from the Conqueſt given them prerogative above other Cities of this Land, we read in the vii. yeer of *Henry* the vi. that in a *nativo habendo* brought by the Lord to recover his villain, it was adjudged a good return made by the Sheriffe of *London*, that ſuch was the Cuſtome of *London*, that a villain having remained there the ſpace of one whole yeer and a day, could not bee fetched or removed out thence. For ſo great is the prerogative of that place, that it giveth protection to the villain or bondman againſt his Lord, while the ſaid bondman ſhall be reſiant there. Likewiſe it was taken for a good cuſtome in the City of *London*, that no attaint ſhould be maintained for a ſuppoſed falſe verdict given in that City. In the which caſe the Sheriffe of *London* made return upon a writ of attaint ſued againſt a *Londoner*, that ſuch was and had been alwayes the cuſtome of the City, that no attaint ſhould be allowed againſt any Commoner or other Citizen of the ſame, for which cauſe he might not *ſalvis libertatibus* without impeachment of their liberties, ſerve or execute the writ. Then was there a writ directed out of the Chancery to the Juſtices of the Kings Bench with expreſs commandement to allow to the Mayor, Sheriffes and Citizens all their liberties, immunities and cuſtomes, and further out of that writ was a *Venire facias* directed to the Mayor and Sheriffes, whereby was day given them to come and make declaration of their cuſtome, at which day the parties plaintiffe and defendant being preſent, the Mayor and Sheriffes had full allowance of their cuſtomes, the Sheriffes were holden excuſed for their return, and the parties writ was abated, and

7 H.6. 32.

7 H.6. 32. and the ſame caſe was adjudged in 2 E. 3.

himselfe punished by imprisonment for his vexation. I have here at large remembred this case, to the end it may appear both what credit and opinion of conscience and truth, the Law ascribed to the Citizens of *London*, and also how carefull and vigilant the Mayor and Sheriffes have alwayes been to preserve and uphold their customes, although sithence that onely custome was for especiall causes abrogated by the Statute of 11. *H.* 7. and an attaint given in *London*. Moreover, we finde it recorded in *M.* 2. *E.* 3. that whereas a Citizen of *London* brought an appeal of Robbery, and the defendant would have tryed his innocency by battail, as he may in semblable case against another man, *Wilby* then Justice answered him, that he was not to have allowance of battaile in an appeal commenced by a Citizen of *London*, for that by custome of their City they were exempted from it. The like appeal was sued *P.* 20. *E.* 3. wherein the defendant made offer of the same Triall. And although hee that sued the appeal, would have joyned battaile without regard of this franchise, the Lord Mayor with the rest of the Corporation sued a writ out of the Chancery, reciting their custome or franchise, and prayed allowance of it in disturbance of the battaile. 20. *E.* 3. *Coron.* 125.

11 *H.* 7. c. 21.

M. 2 *E.* 3. cor. pl. 157.

P. 20 *E.* 3. cor. pl. 125

If a free man or free woman of *London* be committed to *Ludgate*, they are to be excused from the ignominy of Irons, if they can finde sureties to be true prisoners, and if the sum be not above an hundred pounds. Upon the like reason is that custome established for the liberall and milde imprisonment of the Citizens in *Ludgate*, whereby they have indulgence and favour to go abroad into any place by *Baston* as we term it, under the gard and superintendency of their Keeper, with whom they must

return

return again to the Priſon at night: a cuſtome verily, though quarrelled with by ſome, and ſuppoſed to be the hinderance and delay of Juſtice, and oftentimes a mean to defraud men of their true debts and executions, yet the ground thereof being well examined, it wanteth not a ſound maintenance in the courſe of reaſon (as I think.) For the preſcription or cuſtome is but a mitigation of the extremity of their impriſonment, ſerving rather for the expedition of their diſcharge, and ſpeedy ſatisfaction of their creditours, then for any other purpoſe: ſo that this ſcope and licence in proper conſtruction and ſenſe of Law, cannot be termed an enlargement or liberty. For to remain in the materiall Priſon in the night, and to go forth out of the ſame in the day, under the reſtraint and controll of a continuall Keeper, is alwayes an impriſonment, though exerciſed with greater mildneſs and lenity. And divers cauſes there are to warrant the ſame in *London* rather then in other places: the one is for that the City of *London* ſtandeth chiefely upon the traffique and intercourſe of Merchants, and the uſe of buying and ſelling of their ſundry commodities, which is not alwayes performed by themſelves, but by their factours and ſervants, and oftentimes one factour or agent ſerveth the turn of many Merchants, whereby hee is preſſed to ſundry and ſeverall accounts. Wherefore to the end the priſoners may enform themſelves upon their mutuall reckonings, both what they owe, and what is due unto them, and alſo that upon conference and account with their agents returning from other countreys, they may be made acquainted with the increaſe of their adventures or commodities, it is neceſſary they ſhould have places of meeting; which will not be ſo convenient in a

cloſe

cloſe priſon, the ſame being no place of aſſembly or free acceſſe (eſpecially it being no common duty in the Gaoler to permit any perſon to come among his priſoners for any ſuch occaſion) and if the Gaoler were bound to endure and ſuffer ſuch common and voluntary repair unto his priſoners: yet will it be no fit place for Merchants to treat and negotiate their cauſes, which cannot be well determined without their Books of accounts, and witneſſes of their contracts, and oft muſt the ſame bee decided before the Maſters of their Trades or Companies. So that this cuſtome made in furtherance of mutuall accounts, doth very much enable the priſoner to procure his liberty and pay his debt. Alſo if the priſoner be poor and of himſelfe unable to pay, this toleration of their going abroad with the Keeper, is a good meane for him to procure the Alms, and reliefe of other charitable people, thereby the ſooner to purchaſe his liberty. Whereby it appeareth what reckoning the Law maketh of them, in conſideration of their great hazzard by Sea (through danger of ſhipwrack or piracy) and adventure in ſtrange Countreys (by falſhood and negligence of Factours) or by wars between Princes, the inconveniences and miſchiefes whereof, are not ſo offenſive or prejudiciall to any, as to Merchants, whoſe condition as it may by a fortunate voyage be much enriched and advanced: ſo may it by any of the miſchances aforeſaid, be ſo empaired and overthrown, that it may turn himſelfe, his wife, and family to utter calamity and diſtreſſe. Therefore as the hope and comfort of the wife (having commonly no aſſurance of joynture in the City, nor expectation of dower as other women have) and alſo of the children (being for the moſt part born to no great

Vid^e 4 E. 6. com. 36.

patrimony,

patrimony, other then that which their fathers shall by their vertuous industry acquire) doth onely depend upon the fortune of their husbands or fathers travaile, it hath laudably and conscionably been observed for a custome, and is yet by the wiser and better sort religiously regarded that when any Citizen of *London* dyeth, his wife shall have the third part of his goods, and the children another third part, equally to be divided among them, according to the proportion of his goods, and himselfe another third part to dispose by his last Will and Testament at his pleasure. A partition so reasonable and grounded upon so good consideration, (the quality and estate of the *Londoners* considered,) that if it were not approved by custome, but to be proposed in the wisest and highest Court of Parliament, whether it were fit to have the force of a Law, I think no man (unlesse he were a *Timon* by nature, or a *Diogenes* by disposition) no man I say possessed with common humanity would gainsay or impugn it. Doth not the common Law now in force give the husband presently by the intermariage, all the goods and chattells of his wife, though the same bee of the value of 10000 pounds, so that when shee is once his wife, the Law disableth her to give or dispose any thing that was hers before? And shall not the husband be bound by semblable Obligation of reason to leave his wife the third part of his goods, and if the Law be in that respect defective (as what Law in the world, except the Law of God, is without his imperfections?) shall not the custome supply it in such sort, that no barbarous and uncharitable or cautelous, and unkinde practises by deed of gift, or otherwise, shall disappoint or defraud the same? especially here in *London*, where the good estate of men,

for the most part consisteth in movables, by reason of their continuall Trades and Exchanges, so that their wives cannot assure themselves of their dowry commonly called thirds, as they might if their husbands were seised of Lands in Fee-simple. Also the comfortable society between husband and wife, is of that pretious estimate and honourable reputation before God and man, that there may not possibly a more sacred and strait conjunction be imagined among the children of men. *Charondas* the Philosopher calleth them *Homosipios*, which signifieth, fed with the selfe same food. And *Epimenides* another Philosopher calleth them *Homocapnos*, which is as much to say, as using the selfe same smoke, and the selfe same manger, and as it were drawing the selfe same breath. Finally, the Scripture giveth expresse charge to each man to tender his wife with extraordinary good offices by saying, *Thou shalt leave thy Father and Mother, and cleave to thy wife.* If the force of custome did not enforce the matter, these onely considerations were sufficient to prove, that there should be nothing private, nothing peculiar, nothing proper, but every thing in common, every thing equally interested between the husband and the wife. The like though not equall affection is commanded by the Apostle to the *Col.* 3. by the Fathers towards their children. *You fathers be tender and loving unto your children, and discourage them not.*

Matth. ca. 19. Mark. cap. 10. 1 Cor. ca. 7. Ephes. ca. 5.

But let us see what account our common Law hath made of the like customes, founded upon the love and affection between man and wife. It was used of ancient time in Gavelkinde Land, and hath received the allowance and judgement of a good and lawfull custome, that if the husband be attainted and executed for a Felony by him

8 H. M 3 Prest. 60.

him committed, yet shall his wife for the solace of her losse and desolation have her dowry of his Land, and also the heire shall inherite the same according to that old saying: *The Father to the Bough, & the Son to the Plough:* although the common law by rigorous imputation to make man more fearfull to offend in crimes of such quality, extendeth the punishment though not to the persons of the wife and children, yet to their fortune so farre as it may turn to their utter impoverishment and discomfort. 8 E. 2. It in can. Prefer. 50. P. 35 H. 6. 58.

In the City of *York* there is a custome, that the husband may enfeoffe his wife of such Land as he shall purchase, which though it bee against the rule of the common Law (which disableth the husband to convey any Land to his wife) by feoffement or deed, yet by force of the custome it was adjudged to be lawfull and effectuall. Also the custome of many places in *England* is, that the wife shall enjoy the whole Land of her husband in name of her dowry, as it appeareth by *M. Litt.* himselfe, and the husband cannot by any cautele or devise defeat her thereof. And in some other Countries they have the moity or tone part, and generally by the common Law the third part. In *Northwales* the custome is so beneficiall for wives, (that although they be sure of their thirds of such Land as their husbands shall chance to be seised of at any time during the mariage) yet are they to have the moity or tone part, not onely of his goods and moveables, but also of his Leases, be the terms thereof never so long. Not many yeers ago the custome of Taundean was alleaged and allowed by the Court of the Kings Bench, that the husband or wife whether so ever of them did happen to over-live should have the inheritance of Fee-simple Land of the other by survivor, a custome ve- 12 H. 3. Pref. 6. 1. *Litt. ti.* Dower. 14 Eliz.

rily neither contrary to reason nor repugnant to Religion, as no well disposed or good husband can deny, when he entreth into consideration of those holy duties and good observances that are commended and commanded in holy Scripture. If then these customes bear sway in sundry places, and are publickly approved by judiciall sentences, what Citizen will be so senseless, what *Londoner* so loose, what Merchant or other free man so inconsiderate, and unregardfull of his own good estate, and so ready to defile his own nest, as once to attempt or practise the violation or breach of so good a custome? What is he who seeing the Estate of *London* is preferred before other Cities of the Land, by the benefit and means of their most profitable customes, that will give a dangerous example to abrogate the same, and to call their usages in question? A custome, if it have been once notoriously discontinued, or interrupted, loseth the title and appellation of a custome, and by instance given of the time when it was disused lacketh a great part of his authority. Then unnaturall or at least wise unadvised is that Citizen which to serve his private humour bringeth a generall custome either into question by his fraud, or by his example into contempt. Pernicious also is the president of one custome called in question to the ruine of the rest: Namely, when as the City by their Counsell in her Majesties Courts of *Westminster*, claiming the benefit of their customes, may be encountred and confronted, with a counterplea given by themselves, that such of their own Aldermen and commons have by their deeds and devises either disaffirmed or disanulled the same. A practise as of great condemnation in them that do it, so no doubt of great oversight and incircumspection in them that suffer it.

Read the Epistle to the *Ephes.* ca. 5.

See before in the case of Robbery, how carefull the City was to avoid this danger and to preserve their custome, and also in the case of the attaint before 7 *H.* 6, &c.

But

But somewhat to satisfie the idle cavils pretended to the contrary, saith some one, is not the generall Law of *England* sufficient to manage the government of *London* as well as of all other Subjects, but that *Londoners* must have private customes and usages of their own? This objection made by the enviers or enemies of the wealth of *London* (howsoever they make shew to the contrary) rather deserveth a hisse then a reply, and is sufficiently confuted in the former discourse.

But it is further urged by some hard husbands, My wife is froward and undutifull, and hath not deserved it. Shee is a fool and cannot rule it. She will marry again, and enrich some other with the fruit of my travaile. Wherefore I think it necessary to abridge her of that liberality which the custome doth extend. Also my children be evill enclined, disobedient or untractable, or some of them be. Wherefore I may with reason deprive them of the benefit of this custome. First to answer the undutifulnes; I wish thee whosoever thou art to summon and convent thy selfe to the tribunall seat of thy inward minde, as Saint *Augustine* saith, and to make conscience thy Judge, thy cogitations the Witnesses, thy actions the accusers, thy memory the register or record to give in evidence: and let it be discussed in all due circumstances, whether thou didst not likewise forget the offices of a good husband and defraud her of her duties, (as Saint *Paul* saith) or provoke her to impatience which the same Apostle forbiddeth in these words, *You husbands be loving to your wives, and no way be bitter unto them.* Which also S. *Peter* remembreth in advising husbands to dwell with their wives sincerely and according to knowledge in doing honour unto them as to the weaker Ves-

Aug. in lib. confess.

1 *Corinth.* ca. 7. *Col.* ca. 3.

Peter Epist. 1. ca. 3.

sell. Let it I say be examined in the consistory of thy conscience whether thou either by thy fault wittingly, or negligently by thy default, or by thy unkindnes unduly, hast caused her being the weaker vessell to bee the more intolerable. If thou find thy selfe condemned by thy conscience, let remorse be thy executioner, and amendment with kindnes towards thy wife be thy penance: but if thou finde thy selfe guilty of no want of affection, love or good carriage of thy selfe towards her, so that her undutifulnes proceeded of her selfe: yet I pray thee remember the benefits which God hath given thee by her means, whether they be gifts of fortune in bettering of thy estate, or eschewing of sin, by her lawfull and comfortable company, or the blessing of children, a soveraign good in this world, thy children being the monuments of thy life and being upon earth, and the repayrers of thy decay. And let these favours and graces enjoyed by her company cover and countervaile her other imperfections whatsoever. Follow therein the example of the wise *Socrates*, who being demanded how he could endure the continuall scolding and vexation of his wife *Xantippe*, likewise asked of the other why he suffered the cackling and unpleasant noise of Hens and Turkeyes in his house, Because said the other they lay Egges and breed Chickens for me: and so said *Socrates Xantippe* beareth me Children, which good turn alone covereth and dispenseth with infinite defects. *Callicratides* the Athenian being demanded why hee a man so nobly descended, but having matched with a base *Thessalian* woman, yet by his last Will bequeathed unto her all his substance, leaving his other friends and kinsfolkes unregarded: because (said he) she is my wife, meaning that shee

who

who was by his judgement and choice made worthy to be his wife, ſhould bee unworthy of nothing that was his. Which may alſo ſatisfie that ſecond point of ſuppoſed folly in the wife, & want of diſcretion to marſhal ſo great a proportion of wealth, as the cuſtome will give her. Wherefore wouldeſt thou mary with a fool, if thou thoughteſt her unworthy of the rights of mariage? then ſeeing thy choice hath eſtopped thy Teſtimony of her folly, thy duty towards thy wife ſhall binde thee to favour and conceale her weakeneſs, and to perform that which the cuſtome pronounceth to be convenient. It cannot be evill beſtowed upon her, whoſe right by cuſtome demandeth it, and whoſe eſtate and imperfections have need of it, whereas if the husband may be permitted by this colour to defeat his wife, many inconveniences and diſorders might enſue.

Firſt a generall cuſtome, which is as alſo a generall Law, never provided for ſuch rare accidents as ſeldome fall in experience, but for things that ordinarily and commonly happen, ſhould be broken, to the generall ſcandale and offenſive example of all through the inhability of one, which were a thing unreaſonable. Likewiſe then might husbands, (if that were admitted for a juſt allegation) eaſily deviſe and publiſh that or ſome other imperfection to be in their wives, and thereby bereave them of their right. No more then it is a juſt counterplea or barre to a womans dower to alleage that ſhe is a fool, no more is the imputation of ſuch ſimplicity honeſt and ſufficient to exclude her from her Portion. No it is well ſaid and maintained for a *Maxime* in the Common Law, *Better it is to ſuffer a miſchiefe then an inconvenience.* Leſſe harmfull and hatefull it is for a man to ſwallow twenty

Leges ſe accommodant ad ea quæ frequentius non quæ raro accidunt. Bartolus.

twenty of these light offences, and to digest sundry of these pretensed scruples, then by violating of a custome no lesse common then commendable to leave to posterity an odious memory and obloquie of his name.

The last objection against wives is no lesse ridiculous then Tyrannicall, grounded upon an unjust desire to restrain them from marriage. Mariage is an honourable Ordinance of God, fit and necessary for all persons disposed thereunto, to the avoiding of sinne, and maintenance of a comfortable and sociable Christian life. To restrain or prohibit the same either in maides or widows, (as Saint *Paul* saith) is the doctrine of divells. And to indent or condition with any that he or she shall not mary, is a condition limited against Law, and by the same pronounced unlawfull and unreasonable. Make it thine own case, admit thou dideſt match with a wealthy wife, whose furniture and riches hath increased thy Estate, if God should call for her, wouldest thou in a kinde memoriall of the benefits attained by her meanes, make thy selfe a votary to live unmaried? Do those which mary great Heires being women, and after their wives deaths enjoy their whole inheritance by the curtesie of *England*, making their wives heires to expect during their lives, take it for any matter of conscience or scruple to mary again? Unlesse it be in some place where the force of the custome and the benefit of the living joyned together work a contrary resolution in some husbands: which custome annexed to *Gavelkinde* Lands in *Kent* and other places is of this quality, that the husband shall after the decease of his wife be Tenant by the curtesie of her land as long as he remaineth unmaried, whether he have issue by her or not: but upon his next mariage shall utterly

Tim. ep. 1. ca. 4.

43 E. 3. 6.

16 E. 3. aid 129. 19 E. 3. aid 144.

forgo

forgo all his intereſt therein. A cuſtome therefore the leſſe unreaſonable becauſe the reſtraint of mariage of the one ſide is countervailed by the beneficiall favour of the other ſide to have the land by the curteſie without iſſue, and alſo for that hee is to deprive the next Heire of his wife, who perchance hath been maried with him but few moneths or dayes, of the profit and commodity of the whole Land during his life. But chiefely becauſe it is a cuſtom grounded and grown in continuance to ſuch religious obſervation and regard, that it ſeemeth an offence of conſcience to infringe it. But in our caſe ſithence there is neither cuſtome nor conſcience to warrant thy will, why ſhouldeſt thou then ſeem to quarrell with the lawfull liberty of thy wife, if ſhe ſurvive thee, ſhe being weak by kinde and education, and thereby leſſe able to direct her occaſions, and govern her eſtate without a companion and coadjutor? no, on Gods name referre her to her own choice and conſcience therein, and make it no pretenſe and colour to abridge her of her right, becauſe ſhee ſeemeth inclinable unto that, which God hath ordained, and all men and women do embrace. As to the fear and ſuſpicion pretended, that another in matching with thy wife ſhould be enriched by thy travaile, what ſhould move thee to make that ſuperſtitious account of thy goods when thou art gone? Were they any longer thine, then while thou hadſt life and licence to employ them? Thou muſt needs know and acknowledge beſides thy daily experience, by the very Etymologie and ſignification of the word, the true nature and quality of the thing. Theſe worldly goods are called temporall, becauſe they ſerve one but for a time; they are termed tranſitory, for that their property is fleeting from one

owner unto an other; they are named moveable or current, because all their grace and credite is in running and removing into divers hands, according to that rude and old (but yet true) Latine rime.

Omnia mundana per vices sunt aliena,
Nunc mea, nunc hujus, post mortem sunt alterius.
This worldly wealth each day doth change
Their owners as we see,
Now mine, now his, and after death
An others goods they be.

Then sithence thy wealth hath waited upon thee all thy life long, wouldest thou require the same to rest at thy devotion after thy death? If that seem impertinent and unprofitable unto thee, then relinquish this care and suffer the goods of this world to have their naturall course and condition, which is to be still in exchange, passage, and posting from hand to hand, serving all men, *ut peregrinationis viaticum*, That is, *A Pilgrims charge or defrayment in his journey*, as Saint *Hierome* termeth it. And addresse thy minde to the desire of such goods as are neither temporal, transitory, current nor moveable, but perpetuall, permanent, constant, and not onely immutable but inestimable.

Hieronymus in Epist.

But finally to satisfie the last objection against thy children, I wish thee to look back unto that I have said, that thou mayest not for a private injury or displeasure, seem as much as lyeth in thee to supplant and abrogate a publick custome, to the no lesse prejudice then offence of a great number that have interest therein. In enriching thy Son, thou dost discharge the duty of a naturall father towards him, which if hee prodigally or wickedly mispend or abuse, he carryeth his own condemnation and proveth

proveth a wilfull enemy to himſelfe. The good father mentioned in the Goſpell, who at the ſuite of his undutifull and diſobedient Son, (that would needs abandon the ſervice and attendance on his father to run the courſe of an extravagant Libertine with lewd company) gave him a great portion of his wealth, is not any way blamed by our Saviour for that indulgence, but rather recommended to all poſterity as a true Pattern of a kind father. Saint *Paul* commandeth the father to be well affected to his children, and no way to diſcourage them. What may breed greater diſcouragement or diſcontentment in any childe, then to ſee himſelfe by the place of his birth, and the good fortune of the City intitled to the commodity of a good cuſtome, and yet injurioufly by his own father, (whoſe affection ſhould be alwayes occupied and earneſt in procuring the good of his children) diſappointed of his hope & defrauded of his right. And as well as ſome having juſt cauſe of diſpleaſure againſt their Sonne and childe, may in this unlawfull and diſorderly ſort practiſe their revenge, ſo may ſome other inconſiderate and wilfull father upon a conceipt taken againſt a good Sonne and of ſingular deſert, for that he concurreth not with him in ſome humour or diſpoſition, moſt wrongfully diſtreſſe and undo him by ſuch a preſident. Thus the miſchiefes objected on the one ſide are light and of ſmall moment, whereas the inconveniences apparent on the other ſide be manifold and of dangerous conſequence.

Luke 15.

Col. 3.

I will not vouchſafe to anſwer that undiſcreet *Sarcaſmus* or bitter ſcoffe that ſome uſe, *We may play our wealth at dice without offence to the cuſtome, wherefore ſhould wee not then diſpoſe the ſame from our wife and children* by our

deeds of gift? This amounteth to as much as if a maried man would ſay, I may commit felony or treaſon, and be attainted and hanged therefore, and then the Law giveth my wife no dower, nor my heire no patrimony, then why ſhould I not in reaſon uſe my diſcretion with the Land without incumbrance by the one, or injury to the other? Match theſe two caſes together with judgement, and thou ſhalt perceive they have a ſenſible concurrency in their addreſs and application to this purpoſe. It is well ſaid by the Poet.

il juvat exemplum quod litem lite reſolvit.

The example of one wilfull or wicked act giveth no juſt countenance or allowance to another. Let ſo much ſaid to thy objections take ſome place to alter thine humour, or at leaſt be a preparative for thine own reaſon in the fear of God to purge thee of the ſame.

But to conclude this ſhort diſcourſe with one conſideration of great importance, I wiſh thee to conſider, that this City of *London* is and hath been happily preſerved in this flouriſhing proſperity by the wiſe and politick conſent that all and alwayes the particulars have had to increaſe the generall good eſtate thereof, thinking it their duty as they got and acquired their ſubſtance in this City, ſo alſo to ſpend and defray it in the ſame: inſomuch that whatſoever falleth from the one commeth and groweth unto another, and by alteration of private fortunes (as chances and changes of times doe require from one Citizen to another) the generall eſtate hath flouriſhed, and never wanted particular men of wealth and ability to ſuſtain the offices and functions of the City. Upon which conſideration by moſt laudable and antient Cuſtome, the Lord Maior and Senate of *London*.

don have been and are intitled to the tuition and cuſtody of young *Orphans* and their goods, and likewiſe are made acquainted by ordinary good means of inventaries taken and produced, what ſubſtance and wealth each man dyeth poſſeſſed of, to the intent that although that man which by his good travaile and Trade hath grown to be rich among them, be departed hence, yet his goods may remain as among his wife and children in uſe and property, ſo to the generall ſtrength of this City in account and reckoning. For wee often ſee that one rich mans wealth paſſeth to the increaſe of the good eſtate of another Citizen, either by mariage of the widow, or of the Orphan: ſo that the City though deprived of a member or inhabitant, yet is not deſtitute of ſuch as may diſcharge his employment and place. Whereas if this pernicious practiſe and uncharitable liberty might take root by deeds of gifts and cautelous conveyance to ſtrangers, not onely the wife and children may be diſtreſſed, but alſo the ſtate of the City much weakened, and in danger of a great diſreputation and decay, from that that it hath bin and yet is. For if it be adjudged lawfull in one, of what degree ſoever he be, it is neither impoſſible nor unlikely, that the ſame will be uſed by many, and conſequently may be practiſed by all: which if it befall, what will become of the happy condition of this City, it is not hard to conjecture. I mean not to extend my ſpeech to the prejudice of any true debts that a man oweth without fraud or colluſion, ſeeing the cuſtome very providently careth for the diſcharge thereof, but my purpoſe is to diſſwade men from evill example, from inſolent violation of good cuſtomes, and from odious and unſeemly practiſes of deceit and evill meaning

towards their wives and children: Which perſwaſion I would wiſh all profeſſors of the Law ſeriouſly and carefully to uſe and enforce to their clients, being Citizens of *London*, as in good conſcience and diſcretion they ought to do.

An Apoſtrophe to the Reader, and the motive of this Treatiſe.

Blame not my bold enterpriſe (gentle Reader) nor reprove my ſimple cenſure herein preſented unto thee, which might I know both for the matter & manner of it have been by any other, and perchance by my ſelfe more largely and effectually delivered: if the opportunity of my leaſure might have anſwered the quality of the argument which I had in hand. But fearing leſt I ſhould with too long a diſcourſe in ſo plain a propoſition breed more lothſomneſs then liking, I would not, for want of leaſure I might not, and if I had had time at will I minded not (ſeeing for any urgent occaſion, the error being yet freſh, the practiſe rare and not grown to an enormity, I needed not) but in a word or two to make thee acquainted with the cauſe that moved me to addreſſe theſe few reaſons to thy gentle view, So it happened, that I being in company and conference with ſome perſons (though otherwiſe wiſe & wel-affected, yet in this matter ſtrangely conceited) it chanced that the lawfulneſſe and conveniency of this cuſtome came in queſtion and debate among us, and was by ſome of them (being men for ſufficiency, of great opinion, and for countenance and credite of good apparance and regard in the City) ſo preſſed with objections, that the moſt part of thoſe which were preſent ſeemed to encline to that perſwaſion. Wherefore leſt the authority of the men might the ſooner ſeduce the ſimple multitude unto their error, and for that

that I thought it a charitable policy to prevent the peril in the prime, before it grew to a feſtering ſore, or incurable evill, according to the Poet *Ovids* adviſe,

Principiis obſta: ſero medicina paratur,
Cum mala per longas invaluere moras.
VVithſtand at firſt the ſpringing evill
VVith medicines fit therefore,
Too late it is to take the cure
Of old and feſtred ſore.

I thought good to apply this ſimple Receipt of reaſon to the minds of all ſuch as ſhall chance to be diſtempered be theſe diſſwaſions: hoping that they will yeeld me that friendly requitall of good conſtruction, which my offerred good will may ſeem to deſerve: and although I keep my ſelfe unnamed, and unknown, it may pleaſe them to have this opinion of me, no more favourable then reaſonable, that he which is well devoted to the defence of good cuſtomes, is rather to be juſtified in his good meaning, then condemned or held ſuſpected of any ſiniſter conceipt.

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